

Also, a bill (H. R. 11873) granting a pension to Margaret McGowan—to the Committee on Pensions.

By Mr. RIDGELY: A bill (H. R. 11874) granting an increase of pension to John Wintermote—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11875) granting a pension to Josiah T. McKee—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi, from the Committee on War Claims: A resolution (H. Res. 274) referring the claim of William T. Trammell to the Court of Claims—to the Private Calendar.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 275) referring the claim of John H. Redman to the Court of Claims—to the Private Calendar.

By Mr. SPALDING, from the Committee on War Claims: A resolution (H. Res. 276) referring the claim of the estate of August Herberlein to the Court of Claims—to the Private Calendar.

By Mr. HENRY of Mississippi, from the Committee on War Claims: A resolution (H. Res. 277) referring the claim of the estate of Cyrus Martin, deceased, to the Court of Claims—to the Private Calendar.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 278) referring the claim of Benjamin F. Fox to the Court of Claims—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Resolutions of A. Lincoln Post, No. 29, of Wells, Me., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home for disabled soldiers near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of H. B. True and 50 other citizens of Pownal, Me., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BARTHOLOTT: Petition of the State League of Building and Loan Associations of Missouri, in favor of bill to celebrate the Louisiana purchase by a world's fair at St. Louis, Mo., in 1903—to the Special Committee on Louisiana Purchase Celebration.

By Mr. BROMWELL: Resolutions of the Chamber of Commerce of Cincinnati, Ohio, concerning the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. BUTLER: Petition of the Woman's Christian Temperance Union of Berwyn, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

By Mr. CANNON: Petition of ex-Union soldiers of Plainfield, Ill., and vicinity, favoring the enactment of legislation granting a pension of \$30 per month to all who served ninety days or more in the military or naval service of the United States and are now suffering from permanent disabilities—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Young People's Society of Christian Endeavor of Lower Big Creek, Monroe County, Wis., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. FINLEY: Petition of A. J. Evans and R. S. Beckham, of Rockhill, S. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GRAHAM: Statement from auditor-general's office, Harrisburg, Pa., in explanation of the claim of the State of Pennsylvania for balance due for expenditures on account of the militia in the military service under the proclamation of the President of June 15, 1863—to the Committee on War Claims.

Also, petitions of the Central Presbyterian Church and Colonel John B. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa., urging the passage of House bill prohibiting the sale of liquor in Army canteens, Soldiers' Homes, reservations used by the Government, or in our new possessions—to the Committee on Military Affairs.

By Mr. JENKINS: Petitions of numerous citizens of the State of Wisconsin, to save Government lands in Wisconsin for actual settlers and stop the sale to speculators—to the Committee on the Public Lands.

By Mr. KAHN: Petition of the Mark Hopkins Institute of Art, favoring the passage of a bill to create a Capitol art commission, and for other purposes—to the Committee on the Library.

Also, petition of the executive committee of the Pacific Commercial Museum, favoring the passage of House bill relating to the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. LANE: Petition of R. M. Smith Post, No. 269, Grand Army of the Republic, Department of Iowa, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McRAE: Petition of Ex-Slave Association No. 654, of Carmel, Chicot County, Ark., asking for the passage of bill to pension ex-slaves—to the Committee on Pensions.

By Mr. MERCER: Resolution of the Union Commercial Club, of Lincoln, Nebr., in reference to House bill No. 887, relating to the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: Memorial of the American Association of China, in regard to consular reform—to the Committee on Foreign Affairs.

Also, petition of the Merchants' Association of the city of New York, protesting against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Spanish war veterans of the District of Columbia, for an appropriation to build an addition to the hospital for persons unable to pay—to the Committee on Appropriations.

Also, petition of the American Chamber of Commerce of Manila, Philippine Islands, for the modification of hard and oppressive taxes—to the Committee on Ways and Means.

Also, resolutions of the Maritime Association of the Port of New York, in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Naval Affairs.

Also, petition of Forest City Lodge, No. 10, Cleveland, Ohio, against any legislation regulating the manufacture of butterine—to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of Woman's Christian Temperance Union of San Diego County, Cal., urging the enactment of a law forbidding the sale of intoxicating liquors in the Hawaiian Islands, Philippines, Porto Rico, and Cuba—to the Committee on the Territories.

By Mr. ROBERTS: Petitions of citizens of Chelsea, Mass., and Walnut Avenue Congregational Church, of Boston, Mass., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of J. D. Campbell and 3 other druggists of Waterloo, Iowa, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. SCUDDER: Petitions of Young People's Society of Christian Endeavor and Methodist Episcopal Church of East Hampton, N. Y., to amend House bill No. 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

By Mr. SHAFROTH: Resolutions of Unity Church of Fort Collins, Colo., urging the enactment of a law forbidding the sale of intoxicating liquors in the Hawaiian Islands—to the Committee on the Territories.

By Mr. SLAYDEN: Petition of druggists of Boerne, Tex., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. TAWNEY: Petition of 160 citizens of West Concord, Minn., in favor of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. WEEKS: Petition of Fremont Center Grange, No. 654, Patrons of Husbandry, of Michigan, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WEYMOUTH: Petition of citizens of Groton, Mass., asking for the passage of the Bowersock bill—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Philadelphia Bourse, Philadelphia, Pa., favoring House bill No. 10301, relating to the pneumatic-tube service—to the Committee on the Post-Office and Post-Roads.

By Mr. ZIEGLER: Papers to accompany House bill increasing the pension of Mary A. Alwood, widow of William H. Alwood—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, May 25, 1900.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. ALLEN. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. CHANDLER. I object, Mr. President.

The reading of the Journal was resumed and concluded; and it was approved.

INTERPARLIAMENTARY UNION.

The PRESIDENT pro tempore. The Chair presents an invitation which perhaps it will be proper to have read.

The communication was read, and ordered to lie on the table and to be printed, as follows:

The Hon. WILLIAM P. FRYE,
President of the Senate of the United States.

SIR: As members representing the United States on the council of the Interparliamentary Union, we are authorized and requested to present to the members of the Senate and House of Representatives of the United States an urgent invitation to attend the tenth session of the Interparliamentary Union, which will be opened in Paris, in the senate chamber, at the Luxembourg Palace, July 31, 1900, and continue for several days.

The Interparliamentary Union is an international association, composed of members of the different national parliaments of the world. Its object is to promote the cause of international arbitration and the development of international law.

Any senator or member of the house of any national legislative body is eligible to membership and will be cordially welcomed at its sessions. Those Senators who are going abroad and may be able to attend the conference are requested to notify the Secretary of the Senate. Those who will not be able to attend in person the approaching session at Paris will have an opportunity shortly to join the American group of members of the Interparliamentary Union, and thus to place themselves in affiliation with the great body of European legislators, several hundred in number, representing the parliaments of eighteen different nations who believe in an appeal to arbitration whenever possible for the settlement of international difficulties.

Respectfully submitted.

RICHARD BARTHOLOTT.
S. J. BARROWS.

MAJ. H. M. ADAMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, calling attention to a discrepancy in the general deficiency appropriation bill authorizing the accounting officers of the Treasury to allow and credit in the accounts of Maj. H. M. Adams, Corps of Engineers, \$2,610.40, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT ON LABOR LEGISLATION.

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Industrial Commission, transmitting the report of the Industrial Commission on labor legislation; which, on motion of Mr. KYLE, was, with the accompanying paper, referred to the Committee on Education and Labor, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 4560) to provide for officers in the customs district of Hawaii;

A bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901; and

A joint resolution (S. R. 76) withdrawing certain lands on the island of Oahu, Hawaii, from the public domain.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a petition of sundry citizens of Trenton, N. J., and a petition of sundry colored citizens of the State of New York, praying for the enactment of legislation for the prevention of the denial or abridgment of the right of citizens of the United States to vote on account of color; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Candia, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. PERKINS presented petitions of the Sunday School Union of San Bernardino County; of the congregation of the Seventh Congregational Church; the Woman's Christian Temperance Union of San Francisco; of the congregation of the First Congregational Church of San Francisco; of the congregation of the Brooklyn Presbyterian Church, of Oakland, and of the congregation of the Methodist Episcopal Church of Redlands, all in the State of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

He also presented petitions of the Young People's Society of Christian Endeavor and of the congregation of the Cumberland Presbyterian Church of Mountain View, of the Westminster Presbyterian Church of San Francisco, of the Woman's Christian Temperance Union of Oakland, of the congregation of the Advent Christian Church, of the superintendent of the Napa Presbyterian Sunday school, of the Young People's Society of Christian Endeavor, and of the congregation of the Evangelical Church of Napa, all in the State of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the newly acquired island possessions and in Army canteens; which were referred to the Committee on Military Affairs.

Mr. KYLE presented the petition of John J. Myles and sundry other druggists of Spencer, S. Dak., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. PETTIGREW presented a petition of Local Assembly No. 3114, Knights of Labor, of Cora, Fla., representing 80 voters, praying for the public ownership of railways, telegraphs, and telephones, and for the passage of Senate bill No. 1770, relative to the acquisition, purchase, construction, and condemnation by the United States of railroads lying within the United States, the respective States, and the District of Columbia, engaged in interstate commerce, etc., and remonstrating against the passage of Senate bill No. 1439, to amend the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. FOSTER presented a petition of the congregation of the Congregational Church of North Yakima, Wash., praying for the enactment of legislation to protect State anti-cigarette laws and providing that cigarettes imported in original packages on entering any State shall be subject to its laws; which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented resolutions adopted by Enterprise Council, No. 1, Junior Order United American Mechanics, of Haverhill, Mass., expressing sympathy for the people of South Africa in their struggle for freedom; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the Good Templars of the State of Maine, praying for the enactment of legislation to prohibit the transmission through the mail of any matter advertising the sale of intoxicating liquors; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New York Preachers' Meeting of the Methodist Episcopal Church, praying for the enactment of legislation prohibiting American traders in the New Hebrides from giving or selling intoxicating liquors to the natives; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of North Jay, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. WOLCOTT. I present a petition, numerous signed by most responsible people in Colorado, praying for the passage of a bill now pending to set aside four townships in the Territory of New Mexico for the preservation of the buffalo, which are rapidly disappearing.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Forest Reservations and the Protection of Game.

INDIAN DEPREDAATION CLAIMS.

Mr. CHANDLER. I present a letter from the Attorney-General to me, in answer to an inquiry concerning Senate bill 1005, Senate Report No. 1300, in reference to Indian depredation claims, which I ask may be printed as a document and referred to the Committee on Indian Depredations.

Mr. COCKRELL. I ask if that bill has not been reported and if it is not on the Calendar?

Mr. CHANDLER. The bill has been reported and it is on the Calendar, but I want the committee to consider this letter, for they may see fit to recall the bill.

Mr. COCKRELL. I hope the bill will not be called up, then, in the absence of the Senator who has submitted this document for publication.

The PRESIDENT pro tempore. If there be no objection, the letter will be printed as a document and referred to the Committee on Indian Depredations.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 10082) granting an increase of pension to Lewis Oliver, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4771) granting an increase

of pension to Gilbert F. Colby, to report it favorably without amendment, and I submit a report thereon. As this bill was mislaid and ought to have been reported two weeks ago, I ask for its immediate consideration. It will take but a moment.

Mr. ALLEN. Is that to be followed, I should like to inquire, by the passage of other bills?

Mr. GALLINGER. This is simply a report I have just made of a pension bill, which was mislaid in my committee room. It is a Senate bill, and I should like to have it passed.

Mr. ALLEN. I have several private bills that I would like very much to have passed.

Mr. TELLER. This is a Senate bill?

Mr. GALLINGER. It is a Senate bill.

Mr. TELLER. It may not be worth while to pass it now. I gave notice last night that I was going to object to business being interjected into the regular order. I shall not object to this bill because it is a pension bill, but to the next request I shall object.

The PRESIDENT pro tempore. If there be no objection, the bill will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLEN. I wish to say a word before that bill is laid before the Senate. I do not want to object to it if I can avoid it, but I have a bill here that I tried to get up yesterday and I was taken from the floor by another measure after I had been recognized for that purpose. It is a bill where the recipient of the pension is an old lady, well advanced in years, and is liable to die at any time. I should like to have that bill passed. I do not think the morning hour ought to be consumed in this way unless—

Mr. GALLINGER. Let the bill go to the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 5673) granting an increase of pension to Ellen A. Spalding, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2694) granting a pension to Maggie D. Chapman, reported it with amendments, and submitted a report thereon.

Mr. ALLEN. I desire to state that I do not object to taking up the bill which the Senator from New Hampshire reported.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. McMILLAN. I move that the bill (S. 4781) relating to certain railway corporations owning or operating street railways in the District of Columbia, being Order of Business 1362 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes, to report it without amendment.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. McMILLAN. I move that the bill (S. 4193) to regulate the grades of Twentieth street, and for other purposes, being Order of Business 1078 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street, to report it with amendments, and to submit a report thereon.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. McMILLAN. I move that the bill (S. 3663) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street, being Order of Business 1077 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the

diversion of certain appropriations or modification of provisions heretofore made, reported it with amendments.

He also, from the Committee on the District of Columbia, reported an amendment proposing to appropriate \$25,000 for grading and paving Connecticut avenue (extended) between Columbia road and Kalorama avenue, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate \$175 to pay W. B. Moses & Sons the difference in price between the bill as rendered to pay for blueboards for the Western High School, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate \$9,000 for the purchase of not less than 6 acres of land suitable for the uses of a pound for dogs and strayed animals, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 8686) granting a pension to James A. Tulloss, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. MONEY on the 18th instant, proposing to appropriate \$12,000 for curbing and paving S street, in the District of Columbia, from Phelps place westward to Massachusetts avenue, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SULLIVAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9827) to close all alleys in block 3 of the Walbridge subdivision of Ingleside, in the county of Washington, reported it without amendment.

Mr. CLAY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 10308) to extend to certain publications the privileges of second-class mail matter as to admission to the mails, reported it without amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4898) granting a pension to Frank A. W. Shaw; and a bill (H. R. 4991) granting a pension to Maria V. Sperry.

Mr. McBRIDE, from the Committee on Commerce, reported an amendment proposing to appropriate \$3,097.41 to pay Edward Bedloe, late consul-general of the United States at Canton, China, being the amount of salary still unpaid, from December 8, 1898, to January 15, 1900, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898; which was ordered to lie on the table and be printed.

Mr. WOLCOTT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

SENATOR NATHAN B. SCOTT AND JOHN T. M'GRAW.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. McCOMAS on the 19th instant, to report it with amendments and to ask that it be referred to the Committee on Appropriations. I should like to have the amendments first adopted.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That there be paid out of the contingent fund of the Senate the sum of \$2,850 to NATHAN B. SCOTT, a Senator from the State of West Virginia, in reimbursement of expenses necessarily incurred by him in defense of his title to his seat; and also that there be paid out of the same fund \$2,850 to JOHN T. M'GRAW for expenses incurred by him and other remonstrants contesting the seating of Senator NATHAN B. SCOTT. These payments are appropriated as full and final compensation for all expenses, cash and counsel fees incurred by the parties.

The amendments of the committee were, in line 1, to strike out

the words "out of the contingent fund of the Senate;" and in line 6 to strike out the words "out of the same fund."

The amendments were agreed to.

The PRESIDENT pro tempore. As amended, the resolution will be referred to the Committee on Appropriations.

Mr. COCKRELL. And printed.

The PRESIDENT pro tempore. It will be printed.

GILBERT F. COLBY.

Mr. GALLINGER. Mr. President, the Senator from Nebraska suggested that he did not object to the consideration of the bill which I reported a few minutes ago. The Senator from Colorado likewise agrees that it shall be acted upon. I ask consent that it be put upon its passage.

The PRESIDENT pro tempore. The bill was read to the Senate. Is there objection to its present consideration?

There being no objection, the bill (S. 4771) granting an increase of pension to Gilbert F. Colby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilbert F. Colby, late of Company L, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA M'N. HENRY.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1781) granting an increase of pension to Julia MacN. Henry, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to an amendment, as follows: In lieu of the sum proposed by the House insert "seventy-five;" and the House agree to the same.

J. H. GALLINGER,
GEORGE L. SHOUP,
GEORGE TURNER,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
J. H. BROMWELL,
S. W. DAVENPORT,
Managers on the part of the House.

The report was agreed to.

ELLA COTTON CONRAD.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1619) granting an increase of pension to Ella Cotton Conrad, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to an amendment as follows: In lieu of the sum proposed by the House insert "forty;" and the House agree to the same.

J. H. GALLINGER,
GEORGE L. SHOUP,
GEORGE TURNER,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
J. H. BROMWELL,
S. W. DAVENPORT,
Managers on the part of the House.

The report was agreed to.

MARGARET E. VAN HORN.

Mr. SHOUP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 207) granting an increase of pension to Margaret E. Van Horn, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to amendments as follows:

In lieu of the sum proposed by the House insert "forty."

In line 9, after the word "receiving," insert "and \$2 per month additional on account of each of the two minor children of said James J. Van Horn until such children shall arrive at the age of 16 years."

And the House agree to the same.

GEORGE L. SHOUP,
JAMES H. KYLE,
GEORGE TURNER,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
J. H. BROMWELL,
S. W. DAVENPORT,
Managers on the part of the House.

The report was agreed to.

BILLS INTRODUCED.

Mr. MORGAN. I introduce a bill. I do not know exactly to what committee to send it. It is a bill to fix the place of venue, trial, and punishment for crimes against the United States of

America committed not within a State, as it is provided may be done in Article III, section 2, of the Constitution of the United States.

This bill was prepared by a learned lawyer in the District of Columbia, and it seems to me to unlock entirely the difficulty that we are in about the extradition of offenders against the laws of Cuba from New York, for instance, to that island for trial. I suppose it goes to the Judiciary Committee.

The bill (S. 4839) to fix the place of venue, trial, and punishment for crimes against the United States of America committed not within a State, as it is provided may be done in Article III, section 2, of the Constitution of the United States, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRYE introduced a bill (S. 4840) granting a pension to Mary E. Frost; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4841) granting an increase of pension to George A. Parker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4842) granting a pension to James A. Davis (with an accompanying paper);

A bill (S. 4843) granting an increase of pension to Abraham N. Cassell (with an accompanying paper); and

A bill (S. 4844) granting an increase of pension to Henry G. Mechling.

Mr. MONEY introduced a bill (S. 4845) for the relief of W. S. Bunch; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4846) for the relief of the estate of Dr. O. L. Dewees, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. THURSTON introduced a bill (S. 4847) granting an increase of pension to Benjamin F. Chambers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 4848) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 4849) permitting building a dam across New River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CLAY introduced a bill (S. 4850) to refer the claim of Edward Gallaher, deceased, late of Richmond County, Ga., to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. SHOUP submitted an amendment proposing to appropriate \$250 to pay for services rendered in preparing and furnishing a revised and complete index of the war-revenue law, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate \$3,347.25 to reimburse the Washington Market Company for expenses incurred in fitting and repairing quarters by the National Guard of the District of Columbia, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK submitted an amendment proposing to appropriate \$304.51 to pay Augustus L. Coleman, of Wyoming, for surveys of public lands executed by him under his contract with the surveyor-general of Wyoming, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. RAWLINS submitted an amendment proposing to appropriate \$367.10 for payment to J. T. Breckon for surveying in excess of contract, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CASUALTIES AMONG THE FILIPINOS.

Mr. PETTIGREW. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate of the number of the people of the Philippine Islands that have been killed by our armed forces since February 5, 1898; also the number wounded by us, and the number of prisoners taken.

Mr. CHANDLER. I ask that the resolution may go over.

The PRESIDENT pro tempore. The resolution will go over.

Mr. PLATT of Connecticut. I should like to suggest to the Senator from South Dakota, with reference to the resolution, that I think that very information was called for in the resolution of the Senator from Delaware [Mr. KENNEY]. If he will examine that resolution—

Mr. PETTIGREW. The resolution submitted by the Senator from Delaware covers a great many other questions, and I thought that perhaps we would adjourn before we could get a reply; but it seemed to me that we might get a reply to this one simple question very quickly. That is the reason why I have offered the resolution.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. GALLINGER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the document known as Messages and Papers of the Presidents, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the Superintendent of Documents, subject to the future action of Congress; and

Resolved further, That an edition of 10,000 copies be printed, to be held by the Superintendent of Documents and by him sold at the actual cost of publication.

LIST OF JUDGMENTS AND CLAIMS ALLOWED.

Mr. HALE. I submit three resolutions, which I wish to have passed in the interest of the dispatch of the business of the Senate. The PRESIDENT pro tempore. Does the Senator ask for their present consideration?

Mr. HALE. Yes.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session, up to and including May 29, instant; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887, not heretofore reported to Congress.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress, not heretofore reported at the present session.

READJUSTED SALARIES OF POSTMASTERS.

Mr. ALLEN. I submit a resolution, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule or schedules to the Senate the readjusted salaries of all postmasters who served in the States below named between July 1, 1864, and June 30, 1874, where application for readjustment of salaries under chapter 119 of the laws of 1883 were made to the Postmaster-General prior to January 1, 1887, each such readjusted salary account to conform in all respects to the decision of the Court of Claims on April 2, 1900, of the claim of William T. Ewing vs. The United States and to the public construction of said act of March 3, 1883, by the Postmaster-General embodied in and set forth in Finding VI of the Court of Claims, in the case William T. Ewing. Reports of such accounts are required of claims from the following States, viz: California, Colorado, Connecticut, the two Dakotas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Mr. CHANDLER. I ask the Senator if he has any objection to having the resolution referred to the Committee on Post-Offices and Post-Roads, as other resolutions of that kind have been referred.

Mr. ALLEN. I understand that a resolution of this kind is before the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER. But this is an additional resolution of the same sort.

Mr. ALLEN. The Committee on Claims has many of these claims before it, and if the resolution is referred at all, I want it to go to the Committee on Claims, where these matters are pending.

Mr. CHANDLER. I have no objection to a reference of the resolution, but I object to its present consideration.

Mr. ALLEN. Let it be referred, then, to the Committee on Claims.

Mr. HALE. Let me ask the Senator if the resolution covers what are well known as the Spaulding claims.

Mr. COCKRELL. Certainly.

Mr. ALLEN. I do not know whether they are those claims or not. They are claims which are embraced in the decision of the Court of Claims in a suit against the United States.

Mr. HALE. I take it they are what are known as the Spaulding claims. I have no objection to the resolution going to the committee to be investigated. They have been investigated and reinvestigated and both the Department and Congress have tried to put a quietus to them.

Mr. ALLEN. The Court of Claims has held these claims to be valid.

Mr. HALE. It may be claimed that there is some decision on which they are based, but all that has been considered heretofore and Congress has passed time and again against them. However, I do not object to the resolution going to the committee.

Mr. ALLEN. On the 2d of April last the Court of Claims in the case of William T. Ewing vs. The United States decided these claims to be valid. Now let the resolution go to the Committee on Claims where these matters are pending.

The PRESIDENT pro tempore. If there be no objection, the resolution will be referred to the Committee on Claims.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WOLCOTT. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER were appointed.

SENATOR FROM MONTANA.

Mr. MORGAN. Mr. President—

Mr. CARTER. If the Senator from Alabama will yield for a moment for the presentation of a paper, I will be obliged to him. The PRESIDENT pro tempore. Does the Senator from Alabama yield?

Mr. MORGAN. For what purpose?

Mr. CARTER. I desire merely to present a communication from the governor of Montana, to be laid on the table.

Mr. MORGAN. Certainly.

Mr. CARTER. I present a certificate from the governor of the State of Montana, dated the 19th day of May, appointing Martin Maginnis to fill a vacancy in the Senate of the United States. I request that the certificate be read and laid on the table.

The Secretary read as follows:

In the name and by the authority of the State of Montana.

To all to whom these presents shall come, greeting:

Whereas a vacancy has happened in the representation of the State of Montana in the Senate of the United States by reason of the resignation of William Andrews Clark; and

Whereas the legislature of said State of Montana is not in session, but in recess;

Therefore, know ye, that I, Robert B. Smith, governor of the State of Montana, by virtue of the authority in me vested by the Constitution and laws of the United States, do hereby appoint Martin Maginnis, a citizen of the United States and an inhabitant of the State of Montana, to be United States Senator for said State of Montana, to fill said vacancy caused as aforesaid; and by virtue of the authority in me vested as aforesaid I do commission him, the said Martin Maginnis, to be United States Senator for Montana, hereby authorizing and empowering him to execute and discharge all and singular the duties appertaining to said office, and to enjoy all the privileges and immunities thereof, until the next meeting of the legislature of said State.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed at Helena, the capital, this 19th day of May, A. D. 1900.

[SEAL.]

By the governor:

T. S. HOGAN, Secretary of State.

ROBT. B. SMITH.

The PRESIDENT pro tempore. If there be no objection, the certificate will be received, and, at the request of the Senator from Montana, it will lie on the table.

Mr. CHANDLER. In regard to this same subject-matter I ask the Senator from Alabama to yield to me for a moment. I submit a resolution, which I ask may be read and laid on the table.

The resolution was read, as follows:

Resolved, That the credentials showing the appointment as Senator from the State of Montana of William A. Clark, signed by Acting Governor A. E. Spriggs, and the credentials showing a like appointment of Martin Maginnis, signed by Governor Robert B. Smith, be taken from the table and referred to the Committee on Privileges and Elections, and that said committee be directed to inquire whether either of said appointees has been duly and legally appointed to a seat in the Senate as Senator from said State of Montana; and if so, to report which of said appointees is entitled to be admitted to the seat.

The PRESIDENT pro tempore. According to the request—
Mr. CHANDLER. Let it be laid on the table.
The PRESIDENT pro tempore. Without objection, the resolution will lie on the table.

CLASSIFICATION OF POST-OFFICE CLERKS.

Mr. WOLCOTT. I move that the bill (S. 4163) for the classifications of clerks in the first and second class post-offices, reported yesterday by the Senator from Delaware [Mr. KENNEY] from the Committee on Post-Offices and Post-Roads, be recommitted to that committee. It was reported without amendment and with a report submitted.

Mr. CARTER. I take it that it would be better to wait until the Senator from Illinois [Mr. MASON], who is the author of the bill, and the Senator from Delaware, who reported it, can be heard in reference to it. Both are absent from the Chamber, I observe.

Mr. WOLCOTT. I have looked for the Senator from Delaware, and I am compelled to go into conference at 1 o'clock. The bill has evidently been reported by inadvertence, for my information that the bill was reported I get from the RECORD this morning. The bill has never been considered in the Post-Office Committee. I desire to enter a motion, in any event, to reconsider; and if there is objection made, I will call up the motion later.

The PRESIDENT pro tempore. Is there objection?

Mr. CARTER. I object to action at the present time.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate Senate bill 2355.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. MORGAN. Mr. President, while I agree with the Senators from Massachusetts [Mr. LODGE] and Wisconsin [Mr. SPOONER] in much they have said as to the rights of the United States in the Philippine Islands, in their discussion of matters that are not strictly relevant to the merits of this bill, I differ from them in reference to any necessity that exists for its enactment into law, and as to its merits in a constitutional sense, or as a wise policy to be now adopted.

I agree with those Senators that our title to the Philippine Islands, acquired by cession from Spain, is clear and unquestionable.

The Crown and Government of Spain was sovereign over those islands, and she had the right to cede them and we had the right to accept the cession.

These rights have not been questioned by any government in the world.

Aguinaldo, a self-constituted dictator, and his personal followers assumed the rôle of representatives of the whole people of these islands, and proclaimed a government there in opposition to Spanish rule, which they sometimes allude to as a republic.

This pretension has not received any recognition from Spain, the former sovereign, or from the United States, the present sovereign, or from any nation in the world.

No nation can exist as a body politic or corporate without such recognition, and, until it is so recognized in some form, those who claim such authority are only a private association of persons incapable of making treaties that are based on sovereign powers, and have none of the immunities or responsibilities of governments.

When Dewey occupied the bay and harbor of Manila with his conquering fleet, he made a date at which the sovereignty of Spain over the Philippine Archipelago ceased, and from that date the sovereignty of Spain ceased. After that date no decree of Spain subsequently rendered could have effect to control the rights of those people.

By relation to that date, all the sovereign rights of Spain ceased in those islands, through the subsequent and conclusive events of the war. The truce protocol of August 12, 1898, and the treaty of Paris, ratified on February 6, 1899, confirmed Dewey's conquest of May 1, 1898, as terminating the sovereign power of Spain over the Philippine Archipelago.

Sovereignty is never in abeyance as a matter of law. It exists in the power that governs the country, either de facto or de jure, and this rule is made inviolable in the laws of nations, because it is necessary to preserve the lives of the people against the revenges and cruelties that sometimes attend the occupation of a country by successive conquerors.

All the people in all the islands who were subjects of Spain were the public enemies of the United States when Dewey entered Manila Bay; but after that event no subject of Spain could be guilty of constructive treason to the Spanish Crown for obeying the or-

ders of Dewey, because he had the actual power to compel their obedience. He established there the flag and the rightful jurisdiction of the United States, as far as his power of military command was effectual.

As this area was enlarged by the extension of our military command, so the sovereign jurisdiction of the United States extended and was enlarged by conquest, and it was never for one moment relinquished to Spain or to Aguinaldo, or his army, nor did it ever cease.

Aguinaldo was not within this conquered area when Dewey captured it, nor was there any pretense of a Tagalog government there, or anywhere in the Philippines, on the 1st of May, 1898.

Aguinaldo was then at Singapore enjoying the price that Spain had paid him in 1897 for the surrender of his former authority as a rebel chief and his insurrectionary forces and their arms, ammunition, and equipments, under the capitulation at Biac-na-Bato, and his former associates were at work in their fields. When Aguinaldo afterwards came to Manila Bay and was permitted to go to Cavite, he entered within our sovereign jurisdiction and limits with the permission of the United States, and not as the head of a government. Under that permission and with our authority and assistance he enlisted troops to aid the United States in making war on Spain.

The capture of Manila was the objective point in our military plans, and our soldiers and war ships were fully equal to that task, as the sequel proved; and our arms commanded the fields in which Aguinaldo's troops were held to aid that purpose. Before the capture of Manila his ambition had been stirred by some military successes against the Spaniards, and he secretly resolved to betray the misplaced confidence of the United States; to make war upon us, and make himself the master of Luzon and other islands.

For this purpose he proclaimed a republic, as dictator, backed by armed forces, and this was the object of his so-called republic, born of military dictatorship.

In this new rôle he revealed himself as a traitor to the faith of a soldier, which he openly violated, and to his treaty engagement with Spain, under which he had received \$400,000 of the \$1,000,000 promised him by that Government.

If Admiral Dewey and the commander of the army had permitted Aguinaldo to set up a sovereign and independent government within the area that was commanded by our arms and was held under our flag, they would have been traitors to the United States.

It is the very height of absurdity to attempt to lay the foundations of a Tagalog government upon imputations that would disgrace our military and naval commanders at Manila and would compel the United States, from a sense of decent self-respect, to disregard their recognition of such a government, and would put them, along with Aguinaldo, if we could catch him, in chains for a treasonable conspiracy against the United States.

If such a transaction had occurred within a State of this Union, it would not be a more flagrant act of treason than the alleged authority given to Aguinaldo to organize a free, sovereign, and independent republic on territory that we were engaged in subjugating, and had in fact conquered from Spain.

There is not the least ground for any such a suspicion about the conduct of the noble and heroic men who then commanded our military and naval forces at Manila.

This groundless and derogatory assertion, based upon these false accusations, often repeated, but denied by the accused officers in the most solemn manner, on their honor as sailors and soldiers, is the only basis for the claim preferred by the friends of Aguinaldo in the Senate that this adventurer and self-convicted traitor was, with the consent of our consul at Singapore and of Admiral Dewey and General Merritt, placed at the head of a Tagalog republic in the Philippine Islands.

This baseless fabric of a perverted vision is seriously urged in the Senate as the foundation for the claim that we should surrender the Philippines, and all the people and property there, to be looted by Aguinaldo and his banditti.

It is too clear for successful contradiction or reasonable doubt that Aguinaldo made a demand on General Merritt that his soldiers should enter Manila with our army, or ahead of it, that they might share in the booty and the shame of the looting of that great city. His half Chinese and half Tagalog blood ran hot in his veins, exciting him to mercenary spoils and desperate revenge against the Spanish people in Manila. It was to prevent the probability of such devastation that the protocol of truce with Spain was made to contain this solemn and necessary pledge:

ART. 3. The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

This guarded provision was one of the bases of the treaty of peace with Spain, put in this protocol for the purpose of preventing Aguinaldo from acquiring the possession of that city by any

possible military or other agreement with us, and to prevent the looting, which he had demanded from our soldiers in the field, the right to perpetrate upon that city.

That stipulation on our part, Mr. President, has compelled us from the date of the signature of that protocol down to this date to hold the possession of those islands, and to hold, especially, possession of Manila, so as to protect the vast amount of property and the numerous people of foreign nationality who were then residing in that city against the marauds of Aguinaldo.

In this truce with Spain we covenanted to protect Manila against that dreadful fate.

Under this engagement we would have disgraced ourselves with all Christendom had we yielded to his demand to loot Manila.

At the same period our Army and Navy were invading Cuba. We found there an organized republic, and armies fully organized and well equipped, that had been in the field and engaged in open war with Spain, which they had conducted with increasing success for more than two years.

The armies were led by Gomez, and had been supplied with arms, supplies of food, and with recruits from Florida. They joined us as cooperative military forces in the war with Spain, and fought in the lines with our troops, under Garcia, at San Juan and on other battlefields. They did not demand, and we did not accord to that republic and those armies, any recognition as a political organization.

When the war ended, we disarmed and disbanded these armies.

The contrast in the conduct of the two military leaders brings into a clear light the wicked folly of Aguinaldo as compared with the honorable statesmanship of Gomez.

Cuba, under the leadership of Gomez, is moving quietly and firmly toward the goal of a proud independence as a separate power, or, according to her choice, to a higher and better assured independence as a sovereign State in the American Union, as Hawaii is doing; while Aguinaldo is inciting and leading the Tagalogs into internecine war, with murderous forays of bushwhackers and bandits, refusing to accept the sovereignty of the United States and the practical self-government of a Territory of the United States.

It is his obstinacy, sustained by false hopes of aid from our political divisions in Congress, that keeps the universal malice of Aguinaldo in deadly conflict with peace, honor, and free government.

I do not in the least degree share the opinions of those who desire for the Tagalogs higher or better securities for free government than our people enjoy in the States and Territories of the American Union. I doubt the sincerity of any American who demands for Aguinaldo a higher condition of state, or a higher range of power, than is in reach of an honorable American, with the consent of the people.

I take occasion to repeat what I have before said in the Senate, that an American Territorial government differs from all other dependent governments. It is peculiar to our system and, next to a State of the Union, is the best government in the world.

No thoughtful man and no political party seems to be ready to withdraw from the Philippine Islands and leave those people to their own government and to the gratification of their hatreds and revenges, or to leave those of other nationalities without the security we have engaged to give them in the treaty of Paris. If we are not now ready for this fatuous step, when shall we be ready?

I profess no spirit of prophecy that will compass this question and give the answer. My duty is plain, under the sanctions of my oath, and I will follow it. It is that in every vote that I shall give in the Senate on this subject I will obey the injunction of section 4, Article IV of the Constitution, which is that "The United States shall guarantee to every State in this Union a republican form of government."

Here and in the third article expansion is provided for and imperialism is forbidden. Expansion is provided for in the third article by giving Congress the power to admit new States into this Union. In *Texas vs. White* the Supreme Court decided that those words in the Constitution did not relate to organized States within the political union that we have established here of sovereign States, but related to all States, all bodies politic, that might come within the jurisdiction and power of the United States. The interpretation of that article of the Constitution is fixed, and when it speaks of the power to admit new States it means the power also to admit new territory into that form of statehood.

That is settled by that decision. And when the fourth section of the fourth article of the Constitution provides the further guaranty that the United States—not Congress, not the Supreme Court, not the President, but the whole sovereignty of the United States—shall guarantee to every State in this Union a government republican in form, that is the proudest and the grandest guaranty that any people have ever yet been able to give and to enforce in favor of those who at the time were not members of their

political community, but who, by the invitation of our success and by the splendor of our progress, might be induced to come within the Union and participate with us, if we are willing, in the benefits of the splendid republican institutions which we possess and our fathers have ordained.

I was in favor of the ratification of the treaty of Paris and still adhere to that conviction of duty. I believe that it is the most advantageous treaty, next to our treaties of annexation of territory from Mexico, that the United States concluded in the nineteenth century. I am proud of the motives and of their heroic support by our Army and Navy that forced this treaty from an arbitrary, cruel Spanish Bourbon despotism and again opened the way for our republican institutions.

I welcome this open door of relief to the people of the South, especially, in their honorable struggles to repair the losses and humiliations of the war between the States, and I honor the President and our commissioners for leading us in this course of national duty to a glorious result.

I am proud that our distinguished party leader, Mr. Bryan, came to Washington to urge the Democrats of the Senate to ratify the treaty of Paris and to bid us not to stultify ourselves with needless fears, because its ratification would open to the absolutists another opportunity to test the courage and sincerity of the grand Democracy.

If I had opposed the treaty of Paris because it opened this door to imperialism, if the absolutists were able to force us through it, I would have accepted that danger rather than open afresh the wounds of the war that were closed by the truce with Spain six months before the vote was taken in the Senate on its ratification.

Neither could I refuse the happy result that brought to our people a new and splendid opportunity to again expand their influence to the distant islands of the Pacific Ocean that had so nobly inspired Mexico and all of Central and South America to redeem themselves from the thralldom of this same Spanish Bourbon despotism. The blessing of Heaven has followed our influence in all these regenerated countries, and I thank God for their deliverance. I could not do that and refuse to thank Him for the deliverance of the Philippines.

I am satisfied that the President is conducting civil and military government in the Philippines with good success and under powers, derived from the Constitution, speaking through the laws of nations, that are ample for the occasion.

It is dangerous to change these powers for such other powers as only the authority of local self-government can adequately supply, or safely administer, until such time as Congress can provide complete Territorial government for all the Philippine Islands.

At this point my convictions force me into differences with the Senators who support this measure, and I will proceed to state some of the leading points as to which we differ.

If I thought it was treating absent Senators with proper courtesy, I should now ask unanimous consent to take up the Nicaraguan Canal bill sent to us from the House of Representatives, and put it on its passage by 8 o'clock to-day, cutting off debate thereby at that hour, in order that we might fulfill a very much higher duty to the people of the United States than possibly can be performed by keeping before this body, as has been done for fifty continuous days, this bill as the regular order of the Senate.

In order that we may understand now distinctly what this bill means I will read it:

That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

It was said by the Senator from Wisconsin on yesterday in his closing remarks that this bill was predicated upon the statute of October 31, 1803, and has been followed up by an act of the last Congress annexing the Territory of Hawaii to the United States and making similar provisions. Mr. President, as to this act of 1803, which was signed by President Jefferson, and which therefore has the imprimatur of one of the greatest names in American legislative history, I wish to call attention to a very strong dissimilarity in the surrounding conditions.

The Louisiana Territory had been acquired by treaty, which had been ratified by the Senate of the United States. Mr. Jefferson doubted whether the powers of the Government of the United States extended to the acquisition of that territory. After getting the better of his doubts, he very wisely and opportunely for the Government of the United States made the treaty. Then it was necessary to make some provision for the government of that Territory.

The old Confederation had acquired from Virginia by cession the great Northwest Territory under an engagement to create

there several States, as the population of the respective areas might be sufficient. They provided this form of a Territorial government, to which I referred a moment ago—a peculiar institution of American constitutional law for the government of that Territory.

This was done in the Congress of the Confederation. Some two years after that time we accepted by an act of Congress all that had been done and legislated upon for those Territories, changing only a single provision in the statute, which authorized the President of the United States to nominate and the Senate to act upon the nominations to office within that great area. That was the first act of Territorial organization. The Louisiana Territory was the second practical act. There had been an interposing act in regard to the territory south of the Ohio River, adopting the act for the government of the Northwestern Territory.

The laws of Spain and the laws of France and the international law all obtained in the Territory of Louisiana, according as they had been adopted by the authorities there from time to time. There was a medley of laws and very serious legal embarrassment in the administration of that government. So this act of Congress of the 31st of October, 1803, was provided, under which the President of the United States was authorized to take possession and occupy the territory ceded by France to the United States by treaty. Now, mark the difference. The act of 1803 provides—

That until the expiration of the present session of Congress, unless provision for the temporary government of the said Territories be sooner made by Congress, the military, civil, and judicial power exercised by the officers of the existing government of the same shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberties, property, and religion.

This proposed act copies that language, but it omits to put in the very essential provision "until the expiration of the present session of Congress." Congress by that act of 1803 devolved upon certain agents of its own, to be designated by the President, the power to conduct government in the Louisiana Territory until the end of that session; but no man can find there any purpose of Congress to delegate to the President of the United States a permanent authority to use at his discretion the executive, legislative, and judicial powers conferred upon the different departments of this Government by the Constitution of the United States.

That act is no precedent to control us in the present situation. On the contrary, it is a warning, an admonition to us that in bestowing upon the President any powers whatever he shall be kept continuously under the hand of Congress, not turned loose as an emperor to exercise his own sweet will and any powers that he may find in the Constitution of the United States or outside of it.

It is a great mistake, Mr. President, and it illustrates exactly the difference between those statesmen in this country who are willing to concede the powers of absolutism to the President of the United States and those who uphold the doctrine that the Constitution of the United States cuts off all imperialism and all absolutism, and that the Congress of the United States is the true governing power in its legislative function.

This bill is the supreme expression and the crown jewel of absolutism. It confounds and abolishes the distinctions and destroys the boundaries that separate between the legislative, executive, and judicial departments of the Government as they are established in the Constitution, and it concentrates all the powers of government in the hands of the President, to be exerted by him, in his own discretion, and without responsibility.

It gives him "all military, civil, and judicial powers necessary to govern" the Philippine Islands, "to be vested in such persons and exercised in such manner as the President shall direct," of course, from time to time, thereby taking away from the Senate of the United States the power to confirm or reject his nominations to office. The only restraint in this bill is that these powers shall be exercised "for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion."

Spain left an established religion there which was a part of the government. It left an established church there, and ruled the Philippine Islands more through the priesthood than it did through any other class of public functionaries. Could not this bill be properly interpreted upon its face to confer upon the President of the United States not only the power but the duty of preserving the established religion in the Philippines? Suppose it was according to his conviction or according to his view of right and ecclesiastical as well as civil polity that he should maintain the same sovereignty over the Filipino as he found Spain exercising when we entered those islands; what is there in this bill to restrain him? On the contrary, are there not expressions here which clearly indicate the intention to compel him to maintain that established religion?

I have deplored the introduction of this measure and the aggressive way in which it has been pressed upon the reluctant consideration of the Senate by the fiat of a committee on the order of

business, called "the steering committee"—a partisan committee—in which the minority in the Senate have no voice, and their views of public policy and national duty are scouted by an arrogant majority.

Mr. ALLISON. Will the Senator from Alabama permit me?

Mr. MORGAN. Certainly.

Mr. ALLISON. I wish to call his attention to the fact that this bill, by the unanimous consent of the Senate, was made the order of business, and what is denominated the steering committee has had at no time any relation thereto.

Mr. MORGAN. But in the first place, and before the unanimous consent was asked—which every Senator on this side of the Chamber knew it was useless to object to; that a vote would compel the consideration of the bill—the steering committee, as I am informed, did decree that this bill should be the regular order of business.

Mr. ALLISON. I assure the Senator that the steering committee, so called, never considered the subject.

Mr. MORGAN. I am very happy to know it.

Mr. CHANDLER. I should like to say further to the Senator that the steering committee had no authority to take any action on the subject whatever.

Mr. MORGAN. When the vote was taken in the Senate the other day on taking up another very important measure, some of the gentlemen who voted to sustain this bill, in antagonism to that, said they were so voting because their party leaders had decreed that this bill should be kept before the Senate. I am surprised at the statement now made by the Senators. I state the general understanding in the Senate on this point.

I do not know whether the President is claiming from Congress the delegation of these imperial powers.

His conduct in the government of our newly acquired insular possessions does not justify the suspicion that, personally, he demands these vast powers for his own aggrandizement or for any imperial purpose. His conduct, in the exercise of almost imperial sway in these islands, has established before the whole world the great fact that an American President, inspired with the self-control and self-abnegation which is enjoined by our Constitution and is taught by the spirit of our Government, is superior to the temptations of unlawful and unhallowed ambitions.

Fraud and speculation have, indeed, touched his government in Cuba, through his appointees, who were selected with the most cautious regard to well-established character. But it is asserted that no one suffers more keenly than the President from this shameful dereliction, and no one could be more indignant than he is that such disgrace has fallen upon our country, and that no one will be more alert, or more resolute than he is in the exposure and punishment of this national outrage.

I give the President full credit for these sentiments and purposes, but that does not change the fact that official corruption has existed in Cuba under an honest President, and this bill provides so that a dishonest President can have full sway, and without responsibility, to govern the Philippine Islands as he may choose.

The checks that control our vast and wonderful postal system were all applied with care to the postal system of Cuba, and these checks have speedily discovered the crime, so that the system is good and deserves our approval. Yet, through the perversity of human nature, crime has found a lodgment there in its ancient home.

But Cuba, under our peculiar and very unfortunate relations to those people, caused by a sentimental boast of our disinterestedness in declaring war against Spain, is a sort of "no man's land," where the powers of government are alarmingly indefinite, and its responsibilities are merely theoretical, and the restraints of law are not effectual.

Such conditions invite fraud, embezzlement, and corrupt administration and, in the single case that has been discovered, it is manifest that the breach of the law is largely the result of the conditions to which Cuba has been thus exposed. What guaranty have we that a President of the United States, when we have clothed him with powers that are discretionary, supreme, imperial, and irresponsible, in the government of the Philippine Islands will not use such powers to achieve the exalted infamy, and win the world's applause for his crime, of usurping imperial sovereignty?

It may not be that all of our coming Presidents will be George Washingtons, or Thomas Jeffersons, or Andrew Jacksons, or Abraham Lincolns, or William McKinleys, and we have taken no bond of fate that the granting of imperial powers by act of Congress will not create emperors.

Let us give heed to the recent affair in Cuba as a slight but distressing proof that temptation is often the betrayer and crime is the master of even the best established and best approved characters.

Put this statute on the book, and nothing is left us but the personal integrity of the President as a guaranty of proper government in the Philippines. We have no responsible ministers to deal with in the United States, and when we give the President imperial powers we confide our fate to the hands of a single man. Even in Russia and China the people are not so dangerously exposed to absolute power.

Put this bill on the statute book, and we make it the right and the interest of the President to keep the insurrection in the Philippines on foot so long as he shall choose to reward his favorites and political followers with offices in the Philippines without the advice and consent of the Senate. This is imperialism with the consent of Congress.

This bill will place under the command of the President the Navy and the Regular Army, now about to be increased to 125,000 men, and all the forces he may choose to raise in those islands; for "all military powers" necessary to govern said islands "are vested in such persons and shall be exercised in such manner as the President of the United States shall direct." That is absolutism, with the consent of Congress.

If the insurrection in the Philippines is completely suppressed, then this act takes effect, and not until then, the President being the sole judge whether this condition precedent has occurred.

If the President can give constitutional effect to a law by fixing the date at which an act of Congress that confers vast and absolute powers upon him shall become operative, at his option, there is no grant of power by Congress to the President that can not be justified by this terrible precedent. It makes him the master of all legislative power.

But let us turn from the theory to the fact, from the conjectural to the real, from that which is supposititious to that which is probable, if not actual.

Let us deal with the situation as it is and upon the basis of known facts, and study this bill in the light of its actual environment.

A Presidential election is pending. That event, which alarms the country because of its magnitude and the methods that are pursued in its conduct, is now the engrossing care of the whole American people, and nothing is left undone that can escape punishment to affect the result.

Money, to the shame of the Republic and the age, is now the indispensable factor in our Presidential elections. It is used in proportion to the magnitude of the result, which is almost indescribable.

The money collected and expended by the Federal Government alone, in a term of four years, is not less than \$5,000,000,000, to which is to be added at least \$2,000,000,000 collected and disbursed in the States that vote in harmony with the party of the President.

Of course, the control of these vast sums invites the expenditure of many millions of dollars in carrying the elections.

I can think of no financial resource of the party now in power that promises so well for the bloating of its treasury as the present military occupation of the Philippines. The party that controls the expenditure of great sums of money, whether it is expended honestly or dishonestly, is able to control vast political power in the elections. The expenditure of what, I believe, is about \$30,000,000 annually of the revenues of the Philippines is not an insignificant sum until it is compared with the expenditures there for our Army and Navy. Then it sinks into insignificance.

Without discussing the advantages to the President, who is offered by his friends for election to a second term, of the control of these great expenditures, and of the éclat of splendid military success, there are other phases of this subject to which I feel compelled to refer by the existing state of facts.

I do not know, nor do I believe, that the President is seeking at the hands of Congress the broad grant of powers tendered him in this bill. But he is in that unfortunate position which politicians, in these latter days, force upon Presidential candidates, and even upon Presidents—he "is in the hands of his friends." I deeply regret that such a thing can ever be truly said of a President of the United States.

In all the desperately covetous classes in our country none are so eager or so little controlled by conscience as those who are the distributors of the patronage of the President as a perquisite of campaign leadership. When the President is forced to follow their dictation, that great office, designed as a blessing and safeguard to the people, becomes an instrument of robbery and persecution.

The dictates of plain duty, even when they dare to assert themselves for a moment on behalf of the people and the Constitution, collapse when they are in collision with the frown of the campaign manager and his schemes of public plunder.

In this bill the enormous power is given to the President to place under the control of his campaign leader the influence of all

the transcontinental railroads and the great trunk lines connecting with them.

The gross income of these great lines in the United States for ten months of 1898 and 1899 I will call to the attention of the Senate. The gross earnings of the Union Pacific, the Southern Pacific, the Northern Pacific, the Canadian Pacific, the Central Pacific, the Panama Railroad, the New York Central Railroad, Erie Railroad, the Pennsylvania Central Railroad, the Baltimore and Ohio Railroad, the Chesapeake and Ohio Railroad, the Louisville and Nashville Railroad, the Southern Railway, and the Texas Pacific, and their respective leased lines, for ten months of last year was \$339,015,900.

Take it for twelve months, and that is more than a million dollars a day that our people pay to these fourteen railroads and their leased lines. But these are the great avenues that lead from the Atlantic to the Pacific and that now carry 90 per cent at least of the commerce between these two oceans across the Western Hemisphere.

I will insert a brief statement giving the roads and their earnings which constitute the aggregate I have given.

Poor's Manual for 1899 shows the gross earnings for ten months of the years 1898 and 1899 of the following railroads to be:

Gross earnings of Union Pacific Railroad and leased lines for ten months of 1899	\$17,304,017.00
Gross earnings of Southern Pacific Railroad and leased lines for 1898	47,011,471.25
Gross earnings of Northern Pacific and leased lines for 1898	23,679,718.00
Gross earnings of Canadian Pacific Railroad and leased lines for 1898	26,138,977.00
Gross earnings of Central Pacific Railroad and leased lines for 1898	15,766,348.66
Gross earnings of Panama Railroad and leased lines for 1898	2,142,881.00
Gross earnings of New York Central Railroad and leased lines for 1898	45,774,240.43
Gross earnings of Erie Railroad and leased lines for 1898	33,740,890.16
Gross earnings of Pennsylvania Central Railroad and leased lines for 1898	46,957,905.58
Gross earnings of Baltimore and Ohio Railroad and leased lines for 1898	27,722,787.00
Gross earnings of Chesapeake and Ohio Railroad and leased lines for 1898	11,788,557.00
Gross earnings of Louisville and Nashville Railroad and leased lines for 1898	11,885,798.00
Gross earnings of Texas Pacific Railroad and leased lines for 1898	8,006,593.00
Gross earnings of Southern Railway and leased lines for 1898	21,095,838.00
Total	339,015,900.00

Mr. President, the power of these railroads when controlled by their interests, as they are always controlled by their interests, is in a monetary sense equivalent to the power of the United States Government, for our income per diem is but little above a million dollars. That of these fourteen great railroads must be quite equal to it, and the figures that I read are taken from Poor's Manual, which is supposed to give and is accepted as giving a correct statement of the condition of the various railroads in the United States; and here we find aggregated in the power of these railroads as much of monetary influence as is controlled by the Government of the United States.

If our exactions upon the people were as stringent, as merciless, as unrelenting, and as discriminating as those of railroad companies, this would be the most abominable government under the sun. There is no limit to their power; there is no effectual restraint upon its exercise. When they enter into a combination for the purpose of controlling the commerce that is in transit between the coasts of the Pacific and the Atlantic oceans in this country, that combination is as powerful as the Government of the United States. I know its weight. I have been trying to combat it for twenty years in the Senate of the United States.

There is but one possible competitor of these railways for the transportation between our Pacific coast and the Philippines, and but one dangerous competitor for the transportation by water between our Atlantic and Pacific coasts, and that is a ship canal through the Isthmus of Darien. Whether there shall be such a competitor is a question that the people will compel a candidate for the Presidency to face. They demand it and the railroads combine to prevent it, and the candidates must choose between them.

It is the distinct array of the combined power of corporate greed against the plain rights of the people. The value of the railroad haul of the troops and supplies for our Army in the Philippines even for a single year is so great that any delay in cutting such a canal is a vast advantage to these railroads.

What we have lost for the want of such a canal in the war with Spain and the insurrection in the Philippines would have gone very far toward constructing such a canal, if it had not been sufficient to complete it. In the future the income of the railroads will be as great from transportation to and from the Pacific Ocean as it has been in the recent past. They are not willing to yield any part of this harvest to the people or the Government, even for a single year, and they do not intend to do it.

Each year's delay in cutting the canal brings a great sum to the

railroads, and its final defeat makes them the imperial masters of the trade between the Pacific and Atlantic oceans across this Western Hemisphere. Their stake in this lottery is enormous, and they intend, as they have always done, to win the prize, by the contribution of campaign funds and the control of the votes of their employees.

Lest some one should be incredulous on this point, I will present a single chapter of the volume of facts that prove what I state. I read from a report made by a select committee of the House of Representatives, which was presided over by Mr. John R. Fellows, and was composed of Mr. Geary, Mr. Patterson, Mr. POWERS, and Mr. Bellamy Storer:

On the 1st of February, 1878, the Pacific Mail Company, a corporation organized under the laws of New York, owning and running steamers between New York and Aspinwall on the Atlantic, and between Panama and San Francisco on the Pacific, together with certain intermediate Central American and Mexican ports, made a contract for fifteen years with the Panama Railroad Company, also a corporation under the laws of New York.

Before that time another contract had been in existence for thirty years, making forty-five years in all.

At that time there was no showing that there were any foreign stockholders in either of these two corporations.

This contract provided that the Pacific Mail should have the exclusive right "to bill freight through" from New York to San Francisco and vice versa over the Panama Railroad, and all freight offered by others between these points could not be "billed through," but would have to pay local rates on the Isthmus railway. The sum paid for this was to be a lump sum of \$75,000 a month to the railroad company, which, by modification, was afterwards lowered to \$55,000 a month.

A remarkable fact about this contract is that it was the result of a contract made before that time between the Pacific Mail Company and the Transcontinental Railway Pool, as at that date the Association of Transcontinental Railways was called. That was a contract whereby the Transcontinental Railway Pool—embracing all of the roads between the Missouri River and the Pacific seaports and covering entirely all railway traffic between the Atlantic and Pacific seaboard, several of which had received large donations of public lands, and the bonds of which the United States Government was guaranteeing—paid the Pacific Mail the sum of \$90,000 a month, which was afterwards reduced to \$75,000 a month, for the consideration that the Pacific Mail would carry only 1,200 tons a month of freight each way between New York and San Francisco, and on that freight would allow the Transcontinental Pool to fix the price and rate to be paid. That was the upshot of the contract, although the form was a reservation of space for 1,200 tons a month for the exclusive benefit of the Transcontinental Railway roads, whether the steamer sailed full or half empty.

After the passage of the interstate-commerce law had compelled the dissolution of the so-called "Pool," a transcontinental railway association was formed, which, under some name or other, is still in existence; and down to the present time the Pacific Mail, subsidized by the Government in a large amount each year, has been allowing the transcontinental railways to fix the rates and limit the traffic over its line.

These two contracts were so far practically parts of one and the same that the amount paid the Panama Railroad monthly was fixed with regard to that paid to the Pacific Mail by the transcontinental roads, and when the latter was lowered from \$90,000 a month to \$75,000, the former was lowered from \$75,000 to \$55,000. The object of this is frankly stated by the officers of both the transcontinental roads and the Pacific Mail. It was to maintain rates above the level to which they would fall if free competition between these several routes had continued.

It seems to be certain that a very large, if not an absolutely controlling, interest in the stock and directory of the Pacific Mail Company is owned by individuals and estates very largely interested in the stock and directory of the transcontinental roads; and it is proven that the same individuals composing a majority of the directory of the Pacific Mail composed a majority of the directors present at the meeting of the Panama Railroad Company's directory at which the contract between the Pacific Mail and the railroad company of February 1, 1878, was ratified and executed. That this system has for fifteen years been diminishing commerce between New York and San Francisco across the Isthmus is not denied.

It is stated, as a justification, that the Transcontinental Railway Association, controlling, as it did, under these contracts, the prices and traffic of the Pacific Mail, used the latter as an active factor to defeat the competition of sailing-vessel traffic around Cape Horn, and thus were able to maintain the rates of the railroad companies as against that of sailing-vessel competition. It is obvious that this did not tend to increase American shipping or tend to the encouragement of the merchant marine of the commerce of the United States.

It seems to your committee that this state of things can not be beneficial to the general interstate trade or commerce of the United States, nor can it see that it is of any particular benefit to our trade with foreign countries. It is stated that this arrangement between the Pacific Mail and the Transcontinental Railway Association came to an end in December last, which is just about the time that negotiations between the Panama Railroad Company and the Pacific Mail as to a renewal of the former contract seems to have fallen through.

And it is likewise in evidence that the final check to the attempts at making a new contract between the Panama Railroad Company and the Pacific Mail was given by the following letter to the vice-president of the railroad company from the controlling member of the executive committee of the Pacific Mail, who is also universally recognized as one of the controlling influences of the transcontinental railways:

C. P. HUNTINGTON, 23 BROAD STREET,
New York, December 23, 1892.

CHARLES COUDERT, Esq.,
68-70 William Street, New York.

MY DEAR SIR: Herewith I return memorandum that you gave me on Monday. Of course this would not do, but it does seem to me as though there could be such a contract made as would be largely beneficial to both interests.

Yours, truly,

C. P. HUNTINGTON.

Now, in 1896 Mr. Huntington was a witness before the Committee on Pacific Railroads, and I had the opportunity and the honor of conducting the examination on behalf of the committee. I asked Mr. Huntington on that occasion, he being under oath and referring to these contracts, what roads were in this arrangement.

Mr. HUNTINGTON. I do not think I could call them all—the Canadian Pacific, the Great Northern, the Northern Pacific, the Union Pacific, the Southern Pacific, the Central Pacific, and the Atchison, Topeka and Santa Fe.

He did not have occasion to mention the Panama Railroad, for the reason that it was a party to the contract. He produced the contract at my request. It is an agreement between the Transcontinental Association, naming all of the railways that are included in it, parts of which I will read. It is dated the 1st of October, 1889:

This agreement, between the Transcontinental Association, an association consisting of the following railroad companies, namely, the Southern Pacific Company; the Atchison, Topeka and Santa Fe Railroad Company; the Atlantic and Pacific Railroad Company; the California Central Railway Company; the California Southern Railroad Company; the Burlington and Missouri River Railroad Company; the Denver and Rio Grande Railway Company; the Denver and Rio Grande Western Railway Company; the Northern Pacific Railroad Company; the Oregon Railway and Navigation Company; the Missouri Pacific Railroad Company; the Texas and Pacific Railway Company; the Oregon Short Line Railway Company; the Union Pacific Railway Company; the St. Louis and San Francisco Railroad Company; the Chicago, Kansas and Nebraska Railway; Denver, Texas and Fort Worth Railroad, and the St. Paul, Minneapolis and Manitoba Railway Company, which association is now represented by James Smith, its chairman, party of the first part, and the Pacific Mail Steamship Company, a corporation created by and existing under the laws of the State of New York, party of the second part, made and entered into the 1st day of October, 1889, witnesseth:

First. That the said party of the first part—

That is, the Transcontinental Association—

in consideration of the undertakings and agreements of the said steamship company hereinafter contained, undertakes, promises, and agrees to and with said steamship company, to guarantee, and does hereby guarantee, that the gross earnings upon through freight and passengers between New York and San Francisco to be provided to said steamship company by said party of the first part shall be \$75,000 per month. All the gross earnings of said steamers from through business between New York and San Francisco each way shall go to and belong and be payable to said party of the first part or credited upon its said guaranty to said steamship company.

Second. In consideration of said guaranty of said party of the first part the said Pacific Mail Steamship Company covenants, promises, and agrees to and with the said party of the first part that it, the said steamship company, will, at its own cost and expense, dispatch and run from the port of New York for Aspinwall not more than three nor less than two through steamers per month, and not more than three nor less than two through steamers connecting therewith from Panama to San Francisco, and from the port of San Francisco for Panama not more than three nor less than two through steamers per month, and not more than three nor less than two steamers connecting therewith from Aspinwall to New York, and that said steamship company will permit said party of the first part to fix the rates at which all through freight between New York and San Francisco, and all passengers, shall be transported by the vessels of the steamship company from the port of New York to the port of San Francisco, and from the port of San Francisco to the port of New York, and will furnish room on each of said steamers from New York and San Francisco, respectively, and their connecting steamers, for the transportation of, and will transport from New York to San Francisco and from San Francisco to New York all and only such passengers and such freight as may be obtained under rates fixed by said party of the first part, to an amount as to freight not exceeding 600 tons of 2,000 pounds each, in case it runs two steamers per month, and 400 tons, in case it runs three steamers per month, upon any one steamer, it being understood that the deficiency of excess of said 600 tons or said 400 tons, respectively, of cargo upon any one steamer may be added to or taken from, as the case may be, the cargo of any other vessel sailing in same direction within the same calendar month, the intent being that the steamship company shall carry monthly an average of 600 tons per vessel in case two steamers per month are run, or a monthly average of 400 tons per vessel in case three steamers per month are run.

Third. The understanding and intention of this agreement is, that the party of the first part shall, through agents appointed by itself, have entire and exclusive control of all the through business of the said steamship company between New York and San Francisco each way, and that no through freight or passengers shall be taken except at prices to be fixed by the party of the first part—

That is, the railroad company—

and by its consent, it being understood that said control shall be exercised through the established agencies of said steamship company. If the said steamship company shall have room or capacity for more than 600 tons, in the event of its running two steamers per month each way, or for more than 400 tons, in the event of its running three steamers per month each way, of through freight on any steamer, and the party of the first part shall desire to fill it, the said party of the first part shall be at liberty to do so at rates fixed jointly by duly authorized representatives of the parties hereto, the party of the first part to have one-half of the freights on such excess and the steamship company the other half.

Fifth. It is mutually understood and agreed that this contract shall be deemed to have commenced on the 1st day of October, 1889, and to include the earnings from through business on steamers sailing on and after that date, and as to each and all of the foregoing provisions shall continue in force thereafter until ninety days after written notice of the intention to terminate the same shall have been given by either party to the other, with this exception, that if the exclusive contract between the said steamship company and the Panama Railroad Company, so far as it refers to the business of the steamship company between San Francisco and New York, is broken or changed in any respect, or if any other competing line by rail or vessel shall be established between the waters of the Atlantic and Pacific oceans, either overland or via the Isthmus of Panama, that shall affect the through business, concerning which this agreement is made, then the said party of the first part may abrogate and terminate this agreement at any time or not, as it may elect.

Sixth. In regard to the freight and passengers received by the steamship company at San Francisco, for transportation to Europe via Panama, it is understood that the class of business to be taken and the rates to be charged thereon shall be the subject of conference and mutual agreement between the San Francisco agency of the Pacific Mail Steamship Company and the San Francisco general agent of the party of the first part to the end that the interests of both parties may be fully protected.

In witness whereof the party of the first part has subscribed its name hereto by its chairman, and the said steamship company has caused its

corporate seal to be hereto annexed, attested by its secretary, and its name to be signed hereto by its president, the day and year first above written.

[SEAL.]

JAMES SMITH,
Chairman Transcontinental Association.
GEORGE J. GOULD,
President Pacific Mail Steamship Company.

Attest:

JOS. HELLEN,
Secretary pro tempore.

Now, here is a railroad combination called the Transcontinental Association that reaches all the way from the Canadian Pacific Railway to Panama, and includes both of those railroads and every American transcontinental road that touches upon the Pacific Ocean. This agreement had lasted in substance for fifteen years before it was put in further operation by the agreement I have quoted, which provided for its existence for an indefinite period thereafter. I have no doubt that it is still in force under some new disguise. It was too valuable to be permitted to lapse. On the further examination of Mr. Huntington I asked him the following:

Was not the effect of this arrangement to put all the freight south of San Francisco, going and coming, under the control of these particular railroads? Mr. HUNTINGTON. It extended over the whole coast. The Northern Pacific reached Seattle, the Union Pacific reached Portland, the Oregon and California reached Tehama Bay, and the Atchison and Topeka ran to San Diego. Senator MORGAN. How did it happen that this combination of railroads and steamship lines found it expedient to abandon their contract? Mr. HUNTINGTON. I suppose it was on account of the cutting of rates. That is why these agreements have always gone up.

Senator MORGAN. Did not the Panama Company notify you, or notify Mr. Smith, that it would no longer be bound by that agreement?

Mr. HUNTINGTON. I think not.

Senator MORGAN. And that they would levy their usual charges?

Mr. HUNTINGTON. I think not.

Senator MORGAN. And was not the result of it that you had a lawsuit in New York about it?

Mr. HUNTINGTON. No; we never had a lawsuit about it.

Senator MORGAN. Was not a suit in contemplation?

Mr. HUNTINGTON. That was on an old contract of 1872; not for the San Francisco business at all, but on the west coast of the coast of Mexico and with the small Republics south of it.

Senator MORGAN. That was a different contract?

Mr. HUNTINGTON. Yes.

Senator MORGAN. How long did that 1872 contract run?

Mr. HUNTINGTON. I think it ran some twenty years.

Senator MORGAN. Who had that contract?

Mr. HUNTINGTON. It was between the Pacific Mail Steamship Company, by Col. W. Park, I think, on the one side, and the Panama Railroad Company on the other. I do not know who its president was.

Senator MORGAN. Was the Central Pacific interested in that contract which ran for nearly twenty years?

Mr. HUNTINGTON. No; none of the Pacific roads had anything to do with it.

Senator MORGAN. That was a contract for the purpose of keeping down competition?

Mr. HUNTINGTON. Not between San Francisco and New York. As I remember, they gave a certain price over the Isthmus—a certain price per month.

Senator MORGAN. So that neither the Central Pacific nor the Southern Pacific had any connection with that agreement?

Mr. HUNTINGTON. Not at all. It was before the Southern Pacific was commenced. It was in 1872.

Senator MORGAN. Did you make your money back which you paid to this steamship company, \$75,000 a month?

Mr. HUNTINGTON. I suppose so.

Senator MORGAN. You heard no complaint about not making it back?

Mr. HUNTINGTON. I never heard any. It seemed a proper thing to do to get fair rates.

Senator MORGAN. How much money, in the aggregate, was paid to this steamship company presided over by Mr. George J. Gould during the continuance of this contract?

Mr. HUNTINGTON. Seventy-five thousand dollars a month, and it ran about three years. That would make \$2,700,000.

Senator MORGAN. You collected that, of course, out of the people of California?

Mr. HUNTINGTON. If we did the business, we collected our freight upon it. We always do so before we deliver the goods.

Senator MORGAN. So that the loss of that sum fell upon them?

Mr. HUNTINGTON. I do not understand that there would be a loss in paying honest freights on goods.

Senator MORGAN. If a man can buy a thing to-day at \$30, and if the price to-morrow is \$30, and he must have it, he loses \$10. The people of California had no market that they could reach except by water or by land. They were confined to one of those means of reaching the market, and if they had to pay \$75,000 a month for the privilege of carrying their goods on the railroads, I would suppose that they lost \$75,000 a month.

Dodging the question, Mr. Huntington testified as to the value of lands in California, and said:

The price of land in California has gone up tenfold. That seems to have a bearing upon this same thing. We have got several millions of dollars in shares of the company, and we haven't got a dividend on them for twenty years.

The reason of that was that they put their dividends always in new railroads.

I have now established, by documentary evidence which is indisputable, that for about thirty years the people of the Pacific slope have been compelled to pay to the transcontinental railroads, all of whom are in the agreement, in combination, just such rates of freight as they chose to impose upon them, and that this was accomplished by an agreement with the Panama Railroad Company and the Panama Canal Company, which owns the majority of stock and controls the Panama Railroad Company. The union of the canal question with the railroad monopoly will

be presently established by indisputable facts, without any strained construction of their meaning.

Perhaps no more oppressive combination has ever been made in the history of any government or any people than this has been upon the people of the Pacific slope and the country lying back of it. These transcontinental roads have through this agreement cut off the water transportation and the short line of 46 miles haul across the Isthmus of Panama by rail from the access of the people of the Pacific slope, and they have been compelled either to go around by Cape Horn or else to cross the continent with their productions of every kind at such rates as these railroads have chosen to impose upon them.

That has been one of the great causes of my anxiety to have a canal cut through the Isthmus at some point. The power of this railroad combination has been continually present to obstruct and prevent such action, and it is here in this Senate to-day, with all of its effrontery and all of its power, controlling the action of this body. I have referred to the fact and proven it that they control over three hundred and thirty odd million dollars of gross incomes annually, and that their power is equal to that of the Government of the United States in a monetary sense. That, Mr. President, is not an imaginary or a fanciful enemy that I have been trying to combat, but it is a real and powerful one, an omnipresent one, and is utterly without conscience.

Now, when the pressure of the demand of the people of the United States has forced to the front the question of their right to have a waterway through the Isthmus in competition with this great railroad combination, which has so long robbed them and which has taken from them the very cream of their industries, we find not only obstruction to it in the halls of legislation, but we find that the powers of State governments are sought after and obtained and used to create other obstructions and other difficulties, which have recently put it in the power of the great corporations to go to a State of the American Union and there to form colossal combinations which resist all the powers of Congress, all the powers of the State government, and nearly all the powers of the courts; and these combinations have now come to the front for the purpose of uniting with other canal companies in the obstruction of the Nicaragua Canal.

Now, is it not manifest that these people do not intend that the people of the United States shall ever have a waterway through that canal, and is not that the decree to which we are bowing to-day?

A greater scheme is projected and is in process of execution at this time, to which I will presently refer; but the monopoly I have shown between these railroad companies has cost the people of the Pacific coast a sum of money that no man can compute. It has laid its grasp upon agriculture, mines, and forests, and all industries, sparing none, and has measured its exactions by the ability of the people to pay its demands.

If it can prevent a canal being cut through the Isthmus of Darien, its monopoly of the trade of the Pacific Ocean to and from our coasts will be "perpetual," to use the language of the New Jersey charters. To prevent any such waterway is the determination of all these corporations.

I join the people in rebellion against this legalized robbery.

This railroad monopoly has been as inevitable and inexorable as the tax laws, from which there is no escape. We can not measure its vast levies upon all the natural sources of wealth, and all the labor engaged in their development, by the losses it has inflicted upon the prosperity those people would otherwise have had.

In spite of it they have built up the Pacific slope into a wonderful development of wealth and power. When we look to the vast wealth this monopoly has created in the hands of a few private persons, and the regal display of their sudden grandeur, we have only a symptom of a social revolution that has lifted parvenues above their neighbors, and has enthroned monopoly on the Pacific slope. It requires no imagination to fill up the picture. It is fearfully dark.

Turning now to the monopoly that is in process of creation for the exclusive control of any ship canal that can be cut through the Isthmus of Darien, we find that in daring conception and brazen assumption and arrogance this scheme defies all comparison with the enterprises of George Law, Lord Raleigh, and Warren Hastings.

The so-called New Panama Canal Company leads this movement, with the proposed American Panama Canal Company. Pretending that it seeks no aid from the United States, and showing no assets but a partly excavated canal route, and a beggarly remnant of \$13,000,000 of its cash assets, left after being depleted by three years of work on that excavation, that company addressed a letter to the President on February 28, 1898, which I will read:

FEBRUARY 28, 1898.

SIR: The New Panama Canal Company has never proposed and does not seek any appropriation or financial aid from the Government of the United States in the completion of its canal. It places its canal works on the Isthmus of Panama subject to the examination of this Government, or any special

commission through whom it may be desired to make such examination, and will facilitate in every possible way any such desire of the Government.

The entire letter is set out in the report of the Committee on Inter-oceanic Canals to the Senate at this session. I need only quote from it such parts as are in point in this discussion.

It goes on to state what the Government will find upon such examination, without stating that the railroad company whose stock was sold for \$250 per share of \$100 each is offered amongst the assets of this company. Then it proceeds:

While the New Panama Canal Company does not seek any financial aid from the Government, it recognizes the national sentiment in favor of acquiring some pecuniary interest in any canal connecting the Atlantic and Pacific oceans. Therefore the New Panama Canal Company declares that if, as the result of any such investigation, the Government of the United States adopts the Panama route, the company, if the Government so desires, will reincorporate under the laws of the State of New York (under the laws of which State the Panama Railroad Company has existed for nearly fifty years), or of some other State of the Union, subject to the provisions of its concession, and vest its concessions and property in such corporation. It will also, in said event, accord to the United States such representation in its board of directors and such opportunity to acquire an interest in its securities as may be permitted by its concessions, which, of course, must be scrupulously observed.

And further, if the United States should desire to perpetuate or enlarge its existing rights and privileges, acquired under said treaty of 1846, the company will conform to such supplemental treaty as may be entered into between the United States and Colombia.

We beg leave to say that yesterday, at a public hearing accorded to us by the Committee on Rivers and Harbors of the House of Representatives, we submitted to the chairman and gentlemen of that committee a communication to the foregoing purport, and have the honor to be,

Your obedient servants,

MAURICE HUTIN,

Director-General of the New Panama Canal Company.
SULLIVAN & CROMWELL,
General Counsel, New York City.

The PRESIDENT, Washington, D. C.

They had no favors to ask of the Government of the United States, they say they never proposed to ask any favors of us, but they condescended to permit us to enter into a corporation, to be created by a State, and to appoint some of the directors in that company. Mr. President, I think I will stop for a moment and ask for a quorum. I propose that Senators shall stay here and hear something of the business of the Senate. There are not 20 Senators in the Chamber.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Fairbanks,	McBride,	Ross,
Bacon,	Foster,	McCumber,	Scott,
Bard,	Frye,	McMillan,	Shoup,
Bate,	Gallinger,	Mallory,	Simon,
Berry,	Gear,	Martin,	Stewart,
Burrows,	Hale,	Morgan,	Teller,
Caffery,	Hansbrough,	Nelson,	Thurston,
Clark,	Harris,	Perkins,	Tillman,
Clay,	Jones, Ark.	Pettus,	Turley,
Cockrell,	Jones, Nev.	Platt, Conn.	Turner,
Cullerson,	Kyle,	Pritchard,	Vest.
Cullom,	Lindsay,	Quarles,	
Deboe,	Lodge,	Rawlins,	

The PRESIDING OFFICER. Fifty Senators having answered to their names on the roll call, a quorum is present. The Senator from Alabama will proceed.

Mr. CLAY. Will the Senator from Alabama yield to me for a moment to make a report?

Mr. MORGAN. I will not, Mr. President, as it will interfere with my speech.

Mr. CLAY. Very well.

Mr. MORGAN. Senators must come here and attend to their business in the morning hour, so far as I am concerned, for I will not be interrupted in my right to the floor.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. Will the Senator from Alabama yield to the Senator from Kansas?

Mr. MORGAN. Certainly.

Mr. HARRIS. Before the Senator goes on, I merely wanted to get a little fuller information in regard to what I understood him to state a while ago. He read a communication from the director-general of the Panama Canal Company. I understand no reference is made to the Panama Railroad as a part of the property of the Panama Canal Company, in which we are invited to take stock.

Mr. MORGAN. No reference is made to that as an asset of the New Panama Canal Company, as I understand it, and they say here, as they have in other letters, that they have caused appraisement to be made of their property, and the value of their assets amounts to \$90,000,000, which consists of the assets of the old Panama Canal Company, which have come over to them, and this proposed line of canal, and the concession and what work they have done under it, and what material they have accumulated and what plants they have established, leaving out entirely, as I understand, the Panama Railroad, which is the only money-earning asset they have.

Mr. HARRIS. Has it not been constantly used as an argument

in favor of the Panama Canal Company that the value of this road and its actual work in constructing the canal would be of very great importance and a great argument in favor of that line?

Mr. MORGAN. Not only so, Mr. President, but this director-general, Mr. Hutin, in his report, which is submitted to the Secretary of State and to the President, claims that our guaranty of the sovereignty of the State of Colombia, our guaranty of their continued and absolute right to own and control the State of Panama, our guaranty of the neutrality of this canal and of all the country in the vicinity of it, is a valuable asset to this company, and they predicate their claim upon American patronage, and have always done so, upon the fact that we have entered into and are bound to maintain this guaranty of neutrality, etc., of the State of Colombia.

Mr. HARRIS. They are operating, then, under the shadow of our guaranty of that railroad, which they do not propose to transfer to us?

Mr. MORGAN. That is true; and we have already sent troops and ships of war there on three occasions for the purpose of putting down the émeutes against that government. I have this morning received a letter from a gentleman of distinction in this city, who knows what he is talking about, in which he says:

WASHINGTON, D. C., May 24, 1900.

DEAR SENATOR MORGAN: I have handed to the Secretary of State, with a request that he send you a copy, copies of the protest which the leaders of the revolution in Colombia have filed with the Government of France and the Panama Canal Company against the extension of the Panama canal concession by the present Government of Colombia. They are documents which should be in your hands.

This letter was sent to me too late to-day, unfortunately, to enable me to ask the Secretary of State for those documents.

There is now a revolution going on in the State of Panama, conducted, I have no doubt, by speculators who are operating through the different canal companies, that I will call the attention of the Senate to in a moment. They have already taken, as the papers inform us, the city of Cartagena, a very important city on the coast of Colombia, and are invading Panama with troops that are sent down there from Nicaragua, as is affirmed. At all events, there is a state of violent agitation to-day in the State of Panama, and the Government of the United States, if that is not suppressed, will have ships and armies down there in a short time for the purpose of suppressing it.

What have we got from Colombia in exchange for this? We have got the same right that the people of Colombia have to pass across that isthmus, by any method of conveyance, with goods and private property belonging to citizens of the United States. That is all. We have not got the right to carry a mail sack across there, or the right to transport troops across there, or, when the canal is dug, the right to carry ships of war through it, or any other right except what I have already stated.

In consideration of that, in 1846 our Government was so anxious to get its hands in some form upon the possibility, as it was then conceived, of constructing a canal through the Isthmus of Panama that we made this very unwise agreement which is now binding upon us, which the present Secretary of State and former Secretaries admit is a binding obligation upon us, and there is no disputing it.

It is a burdensome obligation without any real compensation, and it is referred to by this French corporation as a most valuable part of their concession to build a canal through Panama. While we are aroused about supposed conditions in our treaty relations with Great Britain, we give no attention to this chain that Colombia has about our necks.

This New Panama Canal Company, as it is called, chartered in France, which is under the orders of a French court to-day, its chief manager having been appointed by this French court within the last month, is the company that is here asserting these rights against the United States and making this pretended proposition to the Government of the United States, while they have been engaged now for many years in a combination with the transcontinental railroads of the United States and Canada for the purpose of making the people of the whole Pacific slope pay freight upon an average distance of 2,500 or more miles of railway haul, when, by the Panama route, they could go by steamer and a haul of 46 miles across the Panama Railroad, and thereby save perhaps one-fourth or one-third of the transportation. That is the friendly attitude of that company to our long-suffering people, and this is the monopoly that Senators are afraid to attack, pending a Presidential election.

Now, Mr. President, having explained this situation briefly—for I have not explained it fully, not feeling disposed to take the time of the Senate to go particularly and systematically into an investigation of this matter—let me call the attention of the Senate, if they have any disposition to hear what is going on here, to a letter of this same Panama Canal Company, dated March 11, 1899, addressed to the President of the United States. After we had passed an act of Congress to create the present Walker Commission and the President was engaged in selecting the gentlemen

for that commission, this New Panama Company wrote a letter to the President and said:

The New Panama Canal Company does not present or suggest any name for membership of any commission. Its only petition is that the selection be of gentlemen whose conclusions will at once command public confidence, fully relying upon its ability to satisfy fair and impartial investigation of the merits of its canal.

THE NEW PANAMA CANAL COMPANY,
By MAURICE HUTIN, *Director-General*,
SULLIVAN & CROMWELL, *General Counsel*.

But who were those gentlemen they were willing to accept? In a previous part of the letter they say:

But the subject is of such transcendent consequence to the United States, to the people of the world as well as to ourselves, that we venture, with due respect, to submit this our petition, that any commission designated to aid you in making the investigation and comparison contemplated by the act of Congress be composed of gentlemen of the widest experience, of exceptional character and unquestioned professional standing, and who are not embarrassed by public commitments or previous records favorable or unfavorable to either one or the other project and who have not heretofore served upon any canal commission.

That is the address of this French company to the President of the United States, attempting to constrain him by an insolent and presumptuous suggestion as to the men whom he should appoint on this present canal commission, and that he should not appoint any person who had ever been a member of a previous canal commission. I suppose that was the influential reason why the President of the United States appointed all three of the gentlemen who were on the previous Walker board upon the present board. I should like to know, Mr. President, how much of this kind of insolence the American Senate can stand without having its stomach turned.

But they were not satisfied with that. Here, as late as April 30, 1900—not yet a month gone by—again the President of the United States is addressed by this new Panama Canal Company that stood there robbing the people of the Pacific coast of untold millions of dollars for many years. What do they say in this last epistle? They go on to refer to what had heretofore transpired after this offer of the 28th of February, 1898, from which I read extracts as to what they were willing to do in admitting the Government of the United States into a State company as stockholders, and with directors to be appointed by the President of the United States to serve in a State corporation.

That was the privilege they have offered to grant us. They go on to refer to the commissioners whom the President had appointed, to Admiral Walker, Hon. Samuel Pasco, Mr. Noble, and various other gentlemen. Then they go on to refer to an examination of the routes that this commission were expected or required to make, and they say:

The Isthmian Canal Commission has not yet made its report to the President, and, as we are advised, has not yet completed its investigations and inquiries upon the technical and other subjects covered by the said act of March 3, 1899, nor has the President yet communicated to Congress his recommendations in the premises.

In all these investigations concerning the Panama Canal the company has made to the Isthmian Canal Commission the fullest exposition and explanations, without reserve or exception, upon every aspect of the subject concerning which the commission has desired information, and also has delivered to the commission full and detailed plans, maps, and specifications of the company for the complete excavation and construction of the Panama Canal and canal works. These documents are great in volume and value, and represent the expenditure of a vast sum, as well as the results of many years of study in their original preparation.

The company has avoided any action or course which might by the Government be deemed inconsistent with its said communication of February 28, 1898.

They still stick to that as their proposition, and their only one; and they have repeated it half a dozen times to the Government. That is all they ever proposed to do. I will come to the point of that in a moment.

In this letter they say further:

All this the company has done in full reliance upon the avowed purpose of the Government—as embodied in the act of March 3, 1899—of thoroughly and exhaustively investigating and reporting upon all possible isthmian canal routes, and in the reasonable expectation that in the meantime no action would be taken upon the subject by the Congress of the United States inconsistent with the expressed purposes of said act.

On the contrary, however, and presumably without knowledge of the foregoing facts, measures have been introduced in Congress, and are to be acted upon in the House of Representatives May 1 and May 2, 1900, having for their purpose the adoption by the Government of another isthmian canal route, without awaiting the recommendation of the President and the information, report, and conclusions of the Isthmian Canal Commission appointed by the President under the act of March 3, 1899.

We therefore respectfully request that the President advise the Congress of the facts of the case.

We have the honor to be, your obedient servants.

SULLIVAN & CROMWELL,
General Counsel Compagnie Nouvelle du Canal de Panama.

They urge the President to send a message and to say to the House of Representatives, that had already by unanimous consent agreed that they would consider the Hepburn bill on the 1st and 2d of May, which fact is referred to in this letter, that that agreement is a violation of the previous act of Congress raising the Walker commission to inform the House of Representatives that in good faith and honor they must abandon the idea of considering

a bill for the building of a canal upon some other isthmian route. Mr. President, I think that presumption and insolence and arrogance and brazen-faced audacity has certainly reached its climax in this letter.

This French company, Mr. President, has not been inactive. On the 27th of December, 1899—last December—in pursuance of its offer of the 28th day of February, 1898, to the President, they went to the State of New Jersey and obtained there a charter under the laws of New Jersey. I will also here mention the fact that contemporaneously with that, or almost contemporaneously, at several recent dates, as late as the 12th day of May, 1900, three other great corporations, having the same characteristics and the same powers—not identical, but expressed in different language, and fully as broad—had been organized for the purpose of controlling the construction of canals in the Isthmus of Darien.

Before that time two other corporations had been created in the State of New York; so that we have six in all of which we know, all of them backed up by men of influence and power and wealth; and this hydra-headed arrangement in the State of New Jersey for creating monopolistic trusts to cover all the States and all countries has been resorted to by this new Panama company of France for the purpose of supplying to the Government of the United States the opportunity offered on the 28th of February, 1898, of having representation in its board of directors, and such opportunity to acquire an interest in its securities as may be permitted by its concessions, which, of course, must be scrupulously observed.

I will read some of the provision of law that they have made for themselves under authority of the laws of the State of New Jersey. I will not read it all, but I will read what is pertinent:

CERTIFICATE OF INCORPORATION OF PANAMA CANAL COMPANY OF AMERICA.

UNITED STATES OF AMERICA, *State of New Jersey*:

We, the undersigned, hereby do associate ourselves into a corporation, under and by virtue of the provisions of an act of the legislature of the State of New Jersey entitled "An act concerning corporations (revision of 1896)," and the several acts amendatory thereof and supplemental thereto, for the purposes hereinafter named, and do make this our certificate of incorporation.

First. The name of the corporation is Panama Canal Company of America.

Second. The location of the principal office of the corporation in the State of New Jersey is at 76 Montgomery street, in Jersey City, in the county of Hudson, and the name of the agent therein and in charge thereof, upon whom process against this corporation may be served, is William Brinkerhoff.

Third. The objects for which the corporation is formed are as follows:

To acquire, by purchase or otherwise, the maritime ship canal of the Compagnie Nouvelle du Canal de Panama and the railway across the Isthmus of Panama between the Atlantic Ocean and the Pacific Ocean; to construct, exploit, complete, equip, repair, and enlarge; to operate, manage, maintain, and control said canal and railway and the various enterprises connected therewith; to collect tolls and revenues therefrom, and to use and enjoy the same.

To acquire, by purchase or otherwise, and to construct, operate, exploit, manage, and control lines of railway along or in the vicinity of such canal.

To acquire, by purchase or otherwise, and to construct, operate, exploit, manage, and control cable lines, telegraph lines, and telephone lines along and to connect with such canal and such railway or railways, and in and along the shores of the oceans, seas, gulfs, and bays at, near, or to connect with such canals or railways.

To acquire by purchase, lease, or otherwise, and to construct, maintain, operate, manage, and control, and to sell, let, pledge, or otherwise dispose of ships, boats, and other vessels of every kind and nature, and propelled by any power; to acquire concessions, grants, privileges, or licenses for the establishment and working of lines of steamships or sailing vessels, and to establish and maintain lines or regular services of steamships or other vessels between any ports of the world, and generally to carry on the business of ship-owners, and to enter into contracts for the carriage of mails, passengers, goods, and merchandise by any means, either by its own vessels, railways, and conveyances, or by the vessels, conveyances, and railways of others; and to collect, use, and enjoy revenues therefrom.

To construct, purchase, take on lease, or otherwise acquire, and to maintain, use, and manage wharves, warehouses, piers, docks, buildings, or works capable of being advantageously used in connection with the canal, shipping, carrying, or other business of the company; and to charge and collect dues and rentals for the use thereof.

To construct, purchase, or otherwise acquire, and to own, equip, improve, work, develop, manage, and control public works and conveniences of all kinds, including railways, docks, harbors, light-houses, piers, wharves, canals, conduits, locks, reservoirs, irrigation works, tunnels, bridges, viaducts, embankments, buildings, structures, and any and all works of internal improvement or public utility.

To enter into any arrangements with any governments or authorities—national, state, municipal, local, or otherwise—that may seem conducive to the company's objects or any of them, and to obtain from any such government or authority any and all rights, privileges, grants, and concessions which the company may think it desirable to obtain, and to carry out, exercise, and comply with any such arrangements, rights, privileges, and concessions, including the construction of any and all internal improvements of any and every nature.

To issue shares, stock, debentures, debenture stock, bonds, and other obligations; to subscribe for, to acquire, to invest in, and to hold and control the stocks, shares, bonds, debentures, debenture stock, and securities of any government, national, State or municipal, and of any canal, railway, or other corporation, private or public, and to exercise all the rights, powers, and privileges of ownership thereof; to vary the investments of the company; to mortgage, pledge, or charge all or any part of the property, concessions, rights, and franchises of the company, acquired and to be acquired; to make advances upon, hold in trust, sell, or dispose of, and otherwise deal with any of the investments or securities aforesaid, or to act as agent for others for any of the above or the like purposes.

In general, to carry on any other business in connection therewith, with all the powers conferred by the aforesaid acts of the legislature of the State of New Jersey and acts amendatory thereof and supplemental thereto.

The capital stock is \$30,000,000, with the privilege of increasing it very largely. The amount of capital stock with which it shall

commence business is \$5,000, consisting of 24 shares of first preferred stock, 9 shares of second preferred stock, and 17 shares of common stock.

Now, I need not detain the Senate by reading any further from this paper in order to get the characteristics and in order to measure the purposes, if they are measurable at all, of this vast corporation in which the United States is invited to participate by this letter of the 28th of February, 1898; and now we know the feast to which we are invited. We are to go into this corporation and appoint directors and to participate in all of its vast unlimited and illimitable powers to do any kind of business anywhere in the world. That is the scheme which is laid before the people of the United States and the Senate to-day, which prevents us from acting on the canal bill.

And while there are not a half dozen Senators in this Chamber hearing what I have to say about this, there are not less than 50,000,000 people in the United States who will hear every word of it, and who will hold them responsible for their indifference. This fraud, this abomination, this insult to the United States, this outrage upon the public decency, and this violation, open violation, of the criminal laws of the United States, while I must stand here and rebuke it, if I can, in the presence of empty benches, is to-day controlling the people of the United States by a conspiracy and a combination to compel them to pay full railroad freights, charged at the pleasure of this great railroad combination, from which their industries are suffering to an extent that is indescribable, and that nobody as yet has ever attempted even to estimate.

While I am on this point I will read a section from the statutes of the United States to see what Congress said when they were heretofore dealing with such people as these. It is part of the old alien and sedition law of January 30, 1799, which has been retained and which has often been attempted to be removed, but which no Congress has ever been found that would touch it. It provides:

That if any person, being a citizen of the United States, whether he be actually resident or abiding within the United States or any foreign country, shall, without the permission or authority of the Government of the United States, directly or indirectly, commence or carry on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the Government of the United States; or if any person, being a citizen of, or resident within the United States, and not duly authorized, shall counsel, advise, aid, or assist in any such correspondence, with intent as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding \$5,000, and by imprisonment during a term not less than six months nor exceeding three years.

Now, sir, I have several times called the attention of the Department of State—not under this Administration, but under a former one, which happened to be particularly indifferent to all schemes of this kind—as to how these interveners and disturbers have gone to the governments of Central America and have attempted and, in fact, have succeeded in perverting the policy of the Government of the United States, as expressed in communications to those governments, and have ridden it down by their secret left-handed diplomacy.

These men to-day deserve the punishment provided for their conduct by the statute, but instead of receiving it they receive applause for their impertinent interference in our affairs. Here this company puts it in its charter that it shall have the right, under the laws of New Jersey, to make any negotiation or conclude any contract with any foreign government whatever to facilitate its purposes. It makes no difference whether it contravenes the policy of the United States or not.

Have we a policy? Is it declared? Is it understood? Do the people not know what that policy is?

It was first declared forty or fifty years ago, during the Administration of Franklin Pierce. It has come on down by repeated declarations, made more and more intense, until it was taken up by General Grant, and afterwards by President Hayes, and formulated in State papers, in resolutions passed through Congress, in bills that we have passed through both Houses of Congress. That policy is that the canal to be cut through the Isthmus of Darien shall not be a canal under the control of a corporation of private persons, but it shall be a canal under the control of the Government of the United States.

Here is this New Jersey company, organized for the purpose of preventing the control of this canal by the Government of the United States, putting it into the hands of private persons or of corporations chartered in France; and it proposes, not that the Government of the United States shall cut or own or control the canal, but that it shall be under the control and ownership of this New Jersey corporation, and the share that the United States can get in it is to make subscription to some of its stock, whereupon it will be entitled to appoint a certain number of directors in a State corporation.

Now, a provision of law that enables this corporation to make a negotiation with a foreign country for the purpose of establishing that policy by this New Jersey charter is in contravention of

the declared policy of the United States, now expressed in distinct form by a vote of 235 to 35 in the negative by the House of Representatives. That is what they propose, contrary to this criminal law of the United States, and they ask us to condone and to concede and to acquiesce in it by becoming partners in that transaction.

When I tell the Senate, or the little fragment of it that is here, that this is the whole of the Panama proposition, I have stated all of it, reserving nothing when I have told them that, I do not see how we can sleep upon our posts when we are in the presence of an enemy like that. I do not think the people of the United States will either enjoy or indulge our slumbers upon this subject. They will be heard from very soon.

Mr. HARRIS. I should like to ask the Senator how much regard he thinks the French Government would show this New Jersey corporation in its attempt to dispose of the rights of the original stockholders in the Panama Canal Company?

Mr. MORGAN. I am very glad the Senator from Kansas has called my attention to that subject, for I wish to make a statement to the Senate.

The old Panama Canal Company was chartered under the laws of France. It spent, it is alleged, \$300,000,000, of which probably \$160,000,000 went into the work on the canal, and the balance was the spoil of robbery. It went into bankruptcy. The French courts took it in charge and appointed a receiver to take and control all of its property and its assets. That receiver went on for three or four years in the effort to continue the work upon the canal line, and finally, failing to do so, reported it to the court, and thereupon the court ordered a sale of the assets of this old, bankrupt company.

A syndicate then was formed in Paris, and this syndicate bought up this remnant of uncollected assets, the material and plant that were left in the hands of the old company at the time of its bankruptcy. They organized under the laws of France as an incorporation, but they organized under the old charter, merely changing the name to the New Panama Canal Company, and retaining the rights and benefits that were due under the old charter to the stockholders of that company, who amounted, as I am informed, to perhaps as many as 5,000 people.

All of those French stockholders are still members of that corporation, as stockholders, and have their rights there. The new company and the syndicate who formed it were permitted by the French court, in consideration of some advances they made for continuing the work of the canal, to have a preferential right in the dividends of this company, and the case stands between the new and the old as 70 to 100. When they get 70 per cent out of the dividends of this canal, then old stockholders get the other 30 per cent. That is the situation.

Here, then, is a French corporation in full action, a French corporation under the control of the French courts, and as late as January 6, 1900, Eugene Navarre, who had been appointed by the French court the director-general of the new French company that has its charter in New Jersey sent the following telegram:

PARIS, January 6, 1900.

X. BOYARD, New York:

Board of management has resigned. I have been appointed, by decision of the court, sole temporary manager of the New Panama Canal Company, instead of the board of management, and with its powers. I have assumed the duties of my office, retaining the director-general and all the principal officers, and I now confirm you in the position which you hold.

Here, then, is a French corporation in court, under the control of a French court, that comes to the United States and goes to New Jersey and gets this charter that I have been reading from, and comes to the United States Government and asks us to involve ourselves in trouble with France by cutting off these old stockholders and robbing them of their rights under the French Government, and going into this New Jersey corporation, and to accept what?

Such stock as we are willing to pay for on a valuation of \$90,000,000 for the work done now, not including the railroad, and the privilege of appointing a certain number of directors in a State corporation; and they say it will require ninety-five millions in addition to complete the canal. They beg like princes, by proudly denying that they need any help, and quarrel with and snap at the President for not forbidding the House of Representatives from going on, under its unanimous agreement, to consider the Hepburn bill, while they are openly robbing our people under combinations with all the transcontinental railroads.

Mr. President, when I present to the Senate of the United States this as the actual and undeniable state of facts, I should like to know, sir, some excuse for somebody who still stands up here to thrust this New Panama Canal Company before the people as an obstruction to the action that ought to be taken for the purpose of building this canal. And then I recur again to the insolence of that company management in New York City, when they appealed to the President of the United States to control the House of Representatives to prevent its action, after unanimous consent had been given in the House for the consideration of the Hepburn bill on the 1st and 2d days of May, 1900.

Never has the United States Government, through the influence

and power of monopoly, patronage, and wealth, been so badgered and so kicked and cuffed about as we have been by this new Panama Canal Company, and the quiet submission and ease with which we sit down and take it can be accounted for in only one way, and that is that a Presidential election is pending and we are afraid to tackle any corporation, inside or outside of the United States, that has, or is professing to have, some great power. That is where we are, and I have located the Senate now upon that.

The so-called new canal company of Panama leads this movement with the proposed canal company of New Jersey, pretending that it seeks no aid from the United States.

The other parts of the provision made to accomplish this vast monopoly to prevent the ownership or control of any ship canal in the Isthmus of Darien is presented in three other New Jersey corporations, copies of whose charters I hold in my hand, and from which I will put some extracts in my remarks. They are as nearly alike as four men of the same size and weight, differing only in certain minor features; when one is described they are all known to the observer; so I will be brief with these quotations from their charters. They are substantially the same as the American Panama Canal Company.

CERTIFICATE OF INCORPORATION OF THE INTEROCEANIC CANAL COMPANY.

Third. The objects for which this corporation is formed are:

To survey, locate, excavate, construct, enlarge, extend, use, maintain, own, and operate a maritime canal and its accessories between the Atlantic and Pacific oceans, through the territory of Nicaragua or any other territory in Central or South America.

To acquire the concessions granted, or heretofore granted, by any government for the construction and operation of a maritime canal and its accessories between the Atlantic and Pacific oceans in Central or South America; and the corporation shall have all the rights, prerogatives, and powers necessary to fulfill the duties and obligations imposed, and to enjoy the privileges conferred upon it by such concessions; and the corporation shall have the power to formulate rules and regulations for the construction, management, care, protection, improvement, use, and operation of the canal and its accessories and appurtenances and for the collection of its tolls, and may modify such rules and regulations at its discretion.

To survey, locate, construct, purchase, lease, maintain, own, and operate roads, railways with any motive power for the carriage of passengers and freight, navigation lines by boats or steamers, and any other means of transportation, and telegraph, cable, and telephone lines in such place or places as the company may deem necessary or convenient for the construction and surveys of the canal and its appurtenances, and for the more advantageous maintenance and operation thereof.

To acquire, hold, deal with, and dispose of as to the company may seem proper all spaces of lands and waters that may be necessary or convenient for the construction, extension, enlargement, maintenance, repair, protection, use, and enjoyment of the canal and its accessories, including all spaces required for the deposit of materials from excavations and cuttings for the overflow arising from lakes, lagoons, and streams, and from dams in rivers, and from all deflections and rectifications of streams, and for ports and extensions thereof, and for docks, dikes, piers, basins, sluices, weirs, locks, guard gates, reservoirs, embankments, walls, and drainage and discharge channels, for lights, light-houses, beacons, buildings, storehouses, machine shops, hospitals, shipyards, deposits of coal, wood, and materials, and including all lands traversed or submerged by overflow or by surplus waters, and for whatever purpose may be necessary or convenient; also to acquire, hold, colonize, deal with, and dispose of all lands and rights in land and real property which it may from time to time acquire.

To levy and collect transit, navigation, tonnage, light, light-house, anchorage, and port dues, towage, lighterage, storage, wharfage, pilotage, hospital, quarantine, and all other similar charges, from steamers, ships, vessels, and boats of all kinds, and from passengers, merchandise, and cargo of all kinds, for which purpose the corporation may at its pleasure establish and modify its tariffs.

To have and exercise all the rights and privileges enjoyed by mining enterprises, lumber companies, manufacturing companies of all kinds, importing and exporting companies, and in general all mercantile companies; and also to have and exercise all the rights and privileges enjoyed by enterprises which have for their object the establishment of shipyards, dry docks, warehouse business, the purchase, storage, and sale of coal, the organization of express companies, agricultural pursuits, and fishing.

To buy and sell and otherwise deal in real estate.

To operate hotels and boarding houses and hospitals and stores for the sale of provisions, clothing, and every kind of merchandise.

To supply water from the canal and its appurtenances to persons, firms, or corporations that may desire it for irrigation, supply of towns, motive power, or for any other purpose, and to fix and collect dues for these services.

To establish in countries foreign to the United States, and in accordance with terms of concessions granted by the governments of such countries, a police force duly organized for the protection of life and property and preservation of order along the route of the canal.

To survey, locate, construct, purchase, lease, maintain, own, and operate railways, telegraph, cable, and telephone lines, roads and lines of navigation by boats or steamers, and other means of transportation anywhere outside of the State of New Jersey.

To purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the shares of the capital stock or any bonds, securities, or evidences of indebtedness created by any other corporations of the State of New Jersey, or of any other State or foreign country, and while owner of said stock to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

To build, construct, and repair railroads, water, gas, or electric works, tunnels, bridges, viaducts, canals, hotels, wharves, piers, and any like works of internal improvement or public use or utility outside of the State of New Jersey.

To make and enter into contracts of every sort and kind with any individual, firm, association, corporation, private, public, or municipal, body politic, or with any government, national, State, Territorial, or colonial.

The corporation shall have power to conduct its business in all its branches in any State or country, or have one or more offices, and unlimitedly to hold, purchase, mortgage, and convey real and personal property in the State of New Jersey and in all other States and in all foreign countries.

The directors shall have power to hold their meetings, to have one or more offices, and to keep the books of the corporation (except the stock and trans-

fer books) outside of the State of New Jersey and at such places as may from time to time be designated by them.

CERTIFICATE OF INCORPORATION OF THE AMERICAN ISTHMUS SHIP CANAL COMPANY.

Third. The objects for which, and for any of which, the corporation is formed are:

To take, obtain, purchase, acquire, own, have, hold, possess, locate, excavate, build, construct, complete, enlarge, extend, improve, operate, navigate, use, maintain, manage, and control and receive the emoluments thereof, be vested with the powers and entitled to all the immunities, exemptions, rights, and privileges belonging thereto or incident to the same, any and all canals, canal lines, ship railways, railroads, and routes therefor as existing or proposed to be constructed or otherwise to be built on and across the American Isthmus of Panama or anywhere within or across the States of Central America, Mexico, or United States of Colombia in South America, or elsewhere, as hereinafter provided, and including all and every of the canals and ship railway or routes therefor and railroads or ways at Tehuantepec, Honduras, Nicaragua, Chiriqui, Panama, Mandingo, Darien, Atrato, Truando, Nappipi, San Blas, Costa Rica, and at any and all other points or places within the territorial boundaries of said Isthmus or of said States and countries named, and for the purpose of connecting the Atlantic and Pacific oceans or the bays and harbors opening thereon, or the lakes, rivers, and streams within said territorial regions emptying into the same.

Also to take, obtain, purchase, acquire, own, have, hold, possess, use, and enjoy any and all franchises, concessions, grants, rights, and privileges therefor, connected therewith, or pertaining or relating thereto from any government or other source; also any and all surveys, layouts, locations, maps, plans, plots, profiles, prospectuses, designs, sketches, elevations, drawings, field notes, reports, archives, and papers of or respecting the same.

And in connection with the foregoing objects and in furtherance of the same and the interests of said company it shall have the right and power to engage in the business and receive the emoluments, rents, issues, and profits thereof, of mining, lumbering, manufacturing of all kinds, and of dealing in goods, wares, and merchandise of every description, of importing and exporting the same, the establishing and maintaining of dry docks, the business of lighterage and towage of vessels, the storage and warehousing of freight, of dealing in foods, medical supplies, and clothing of all kinds, the establishing and maintaining of stores therefor; also the business of expressage and transportation the buying and selling of real estate, colonization of lands, the erection of dwellings and establishing and maintaining of hotels, boarding and lodging houses, and hospitals on and along the routes of its said canals and ways, anywhere within the territories or regions named, or elsewhere, that it may lawfully do; and to regulate and control the orderly conduct of the same and the prosecution of its said objects; and to the end thereof secure such local protection, police or otherwise, as may be lawful, necessary, and proper therefor.

To combine and consolidate, by purchase or otherwise, any and all of the franchises, concessions, grants, rights, privileges, titles, interests, and property of every nature and kind soever now or hereafter existing and owned and held by any person or persons, firms or associations, syndicates or corporate bodies, in trust or otherwise, for the building or operating any interoceanic or other canals or ship railways or railroads, or for the prospecting or promoting the same, or in contemplation thereof, within any of said territorial limits or elsewhere.

To form, organize, or enter into any contractual relations with any firm, company, association, syndicate, or corporate body that may be lawful, necessary, and proper for the promotion or execution of any of the foregoing objects or purposes herein.

I will forbear to inflict upon the Senate any further reading from these charters.

One of these canal companies is chartered to establish a ship canal under a concession granted to Mr. Grace, called the Ayre-Cragin concession, to which Costa Rica is not a party, although she is equally interested in the route. This charter is dated the 23d day of June, 1899, and it contains all or even a broader statement of powers than is found in the American Panama Canal Company charter, from which I have read.

Another canal company, the copy of whose charter I hold in my hand, has a still broader sweep of powers, and is evidently intended to be a go-between, a conduit, a connecting link between these other two canal companies, one of them at Panama and the other at Nicaragua, for the purpose of combining them together and making, with the three or four other companies holding these charters in New Jersey, all of recent date, a combination which will control this canal beyond the power of the Government of the United States to resist it or to resist it. When we come to look over other particulars, which I will presently refer to very briefly, we will find that they have ample power to do what they propose to do.

This New Jersey trust combination, prepared to engulf all canal concessions and control the canal and all projects that can be devised, and thereby to establish this vast monopoly, offers the United States a partnership in a canal concession obtained from Colombia for the extension of which for six years within the past few days it has agreed to pay that Republic 6,000,000 francs. The Republic of Colombia has got this Panama Canal Company on the bargain counter.

Whenever they run a little short of time it makes an exaction upon them, and the latest one has been made within the past fifteen or twenty days. It has been agreed upon, as I am informed by the Secretary of State, who sent me a telegram to that effect from our minister to Colombia, that for a consideration of 6,000,000 francs they should have an extension of their charter for six years. When we buy into that company, and when we agree, as that company has so carefully provided in this letter of the 28th of February, 1898, that the concession from Colombia to this canal company shall be scrupulously adhered to, what do we get?

If we fail to complete the canal within the time that they prescribe, this six years, as now added to the length of their days,

we must go and unite with that company and pay Colombia for the additional privilege of another six years or another ten years; and there is not an engineer in Panama nor one in the United States who has ever investigated this subject who places the term within which this canal can be possibly completed short of twelve years, if it can ever be completed.

Having exhausted the labor and skill of two commissions of engineers, who they claim to be the greatest engineers in the world, and of a large staff of company engineers, they have not yet established the levels on which their canal can be safely built, but are digging ditches and boring tunnels to ascertain which of them is practicable, if either is. Our commission is waiting to see if these labors will show that the canal is practicable before they will state a conclusion on that vital point.

Again, it is still a mooted question whether a water supply can be created 10 miles away from the line of the canal, to be fed to it by another canal sufficient to feed its upper level in the dry season and to control the flood waters in the Chagres River, which rise in the wet season 39 feet from a single rain storm. Delay is demanded by the opponents of the Nicaraguan Canal until the French engineers can solve this question. Our commission has quit the field, leaving this vital question open, to await the decision of the engineers of the New Panama Canal Company.

Other vital questions as to the practicability of the Panama Canal are as far from being settled as they were three or even six years ago, and delay is demanded until they are settled.

I will not discuss these matters, because I am only concerned to get the pending Philippine bill out of the way, so that the Senate can act upon the House bill and pass it or defeat it.

As to the Nicaraguan Canal, every engineer and every commission, of the many that have examined it, declares that it is practicable and feasible at a reasonable cost, their only differences being as to the best and least expensive plan for constructing it.

There is no element of uncertainty that furnishes any excuse for delay as to the Nicaraguan Canal.

There is one dreadful element of danger to the country that is invited by our further delay in acting on the canal bill. It is that the powerful combination of the transcontinental lines of railroads with the New Jersey canal companies will obstruct and prevent the efforts of the Government in obtaining the rights and powers that are necessary, to create an American canal under the control of the United States.

Without this, such a course must become, in the hands of private persons or of foreign corporations, a settled incubus upon the military power of our country and a gatherer of extortionate taxes upon the commerce of our people forever. The one great effort to place us in this abject situation is to secure delay, and this bill is the essential and carefully adapted means of accomplishing that result. Only a few millions of the colossal sums that are at the command of the railroads and the New Jersey canal trusts are needed to prevent the possibility of the United States from acquiring any treaty rights in the isthmian country. Smaller sums have been heretofore used to obstruct the policy of our Government, and will be used again.

The income of a single month of the twelve railroad lines I have pointed out would create a fund of \$30,000,000, which is an unconsidered trifle when compared with the permanent control of the transportation between the two great oceans. The railroads are not so weak or so self-denying as to neglect so great an opportunity.

Neither are the Senate committees of the party in power, empowered to control the order of business, nor the national executive committee of that party so blind as not to see the advantage of this indulgence to this powerful combination in their demand for delay.

They may feel that in December they can still retrieve the disaster that will come to us through the combined efforts of this vast concentration of wealth to obstruct the national policy of a canal under the control of the United States.

This is a vain delusion, when the Senate, for party purposes, and having no other rational excuse, reverses the almost unanimous vote of the House in passing the canal bill, suffers the combination of railroads and canal trusts and syndicates to have their own sweet will in creating obstructions to the policy of the Government and the will of the people, voiced in the vote of the House of 225 for that measure to 35 votes against it. A state of public agitation will follow which it will be impossible to suppress.

It will be attended with the outcry that the rights of the people have been sacrificed and their voice has been suppressed by the silent nod of the heads of their corporate masters, the railroads and the New Jersey canal syndicate.

It is easy to be understood that if any foreign government has assisted in this fatal warfare on the commerce of our people, that government will be the subject of actual war.

The American people, sir, will never permit themselves to be robbed of this waterway by the contrivances of any public or foreign power, I care not how great or how small.

This is one of the cases in which an ounce of prevention is worth a pound of cure. I appeal to those who have the control of this great subject that they will not place the country in this perilous situation; that they will forego the political advantages that follow the patronage of the vast railroad and canal combinations, in favor of the grand national attitude we have assumed in the Hepburn canal bill.

For the first time in a half century of national humiliation the House of Representatives has taken a position on this subject that is worthy of the country. It is an attitude of firm self-reliance; of great and considerate regard for the welfare and vital interests of our people and their Government; it gives no just cause of offense or criticism to any other power, great or small; it neither prejudices nor questions any adverse claim of right that any other nation may have it in mind to assert.

It simply declares that the United States of America, through their Congress, have the right to provide the means to create, own and control a ship canal in Nicaragua and Costa Rica, and to empower the President to construct it when he has cleared off all obstructions to that work.

This is all, and the nation does not exist that will rashly question this proud attitude of the United States. It is within the purview of our national sovereignty and in harmony with its just and honorable assertion.

It is needless and shameful to say that obstructions exist as to this act of national duty, for the removal of which we must first petition some other power or negotiate with any other governments except Nicaragua and Costa Rica that are the sovereigns of the country through which the canal is to be constructed.

When such objections are made will be the proper time for their discussion. They will not be made unless we slavishly stoop to invite them.

If we delay action on this great subject, either to await some agreement with other governments or to give the railroad and canal syndicates opportunity to create obstructions, we will thereby so deprave the spirit of our people and so far confess the moral weakness of the Senate and the Government that we will receive and deserve the contempt of nations; and in future the audacity of the syndicates will laugh our powers to scorn.

A prophet in Israel, a man of great sagacity and of most intimate knowledge of the action and motives of his party associates; a great Republican leader, of courageous speech and action, a man of probity, has foretold what is now occurring in the Senate.

I will read his prophecy on the Hepburn bill:

MR. CANNON. Mr. Chairman, the gentleman from Iowa [Mr. DOLLIVER] and the gentleman from Nevada [Mr. NEWLANDS] openly voice what is voiced in conversation all over this side of the House, and I presume all over that side of the House, namely, that if this was the final vote that enacted this bill into law it would not get one-fourth of the members of the House for it. Nevertheless it is proposed to pass it through the House, and the Senate is expected to hang it up until next winter. As I understand it, the legislative branch of the Government consists of the House, the Senate, and the President. Each one has its functions to perform. Whatever other men may think, for one I can not see my duty plain to vote to pass a bill that does not meet my judgment touching a great question like this. Therefore I shall vote against it.

See at what a disadvantage it places the House. First, we go to the country on the eve of a campaign, both sides hurrahing for the Nicaragua Canal, and we say, "Oh, we have passed it through the House. We do not expect it to be enacted at the other end of the Capitol. We pray and hope and expect that they will not pass it as voiced by these gentlemen who speak this afternoon." Who is to be cheated? Are the people to be cheated or do we cheat ourselves touching this matter? I fancy we will not cheat the people. I fancy that they will know as much about it as we do, and from the standpoint of sound legislation it does not become this great body that directly represents the people to pass its functions over to the other coordinate branch of Congress and say as we send it to them, "Help me or I sink."

Are we, indeed, fulfilling this prediction? Are the friends of the President actually at work in the Senate to place him in an attitude so compromising and derogatory as to attempt to gain votes for him in November by this low and unworthy trick of legislation that was laid bare in the House in the presence of the whole world?

Is it to be said here that the President is a party to this ambidextrous and cross-eyed political rascality? Does he know of and approve a false pretention of purpose to create an isthmian canal, to be constructed and owned by the United States, while he is willing to place it in the power of a great combine to destroy it, or shall it be said that he is so afraid of British power that he will abandon the canal and all effort to construct it or even to negotiate for it until Great Britain has first given her consent that Congress may deal with the subject?

I would as soon believe that Mr. McKinley had connived at Neely's frauds in Cuba as that he would thus "palter in a double sense" with this canal bill, originated by a great Republican, Mr. HEPBURN.

It is, however, the assertion of the political friends of the President that his desire is to prevent a vote on that measure at this session of Congress, and that this is the reason why the great body of the Republican party in the Senate have twice voted down the motion to proceed to the consideration of the canal bill. I do not

believe it. I believe that the railroads and the canal syndicate are more influential with the managers of the Republican party in the Senate than any wishes of the President.

They are willing to take the risk of violating his wishes when they desire to form a money combination with the great railroads of this country to fill up the campaign treasury.

It is manifest beyond dispute that this bill for government in the Philippines can not pass Congress at this session. Indeed it can never pass the present Congress.

If it is ever to become necessary, it is premature, for the reason that the insurrection in the Philippines is not suppressed, and until Congress is informed of the terms and conditions on which the peace and tranquillity of the islands is restored it can not legislate intelligently; until that shall occur it is not possible that proper laws can be enacted to provide for that situation. It is irrational, if it is not monstrous, to attempt to force Congress now to legislate for conditions so remote, so unknown, and so hazardous.

Realizing this, we are asked now to stultify ourselves as Senators by delegating to the President all the powers that we possess and are sworn to exercise, protect, and defend under the Constitution.

It might as well be asked that the Senate should dissolve.

The amendments that are offered, and will be offered, will renew the discussions that so long prevailed on the Porto Rican bill, and would delay final adjournment for a long period, so that it is not possible to pass this bill at this session of Congress.

This fact has been obvious for weeks to all the Senate.

This bill was reported on March 5 and was made the regular order of business on the 4th of April, and for fifty days it has been kept before the Senate and has controlled all other legislation of this country. Nothing on the Calendar could be reached except by unanimous consent.

Twice I have importuned the Senate for such consent, and twice I have attempted, by a vote, to take up the canal bill, which is confessedly the most important measure before Congress. Each time it has been antagonized by this bill, which was born to linger and to die in a slow dissolution—a bill that is not needed to increase the powers of the President in the Philippines, where he has full powers to govern, without question as to what he has done there or may do.

The country, while it is vehement in its demand for canal legislation as a vital necessity, makes no sign of anxiety that Congress shall do the absurd thing of giving to the President the absolute power to rule in the Philippines—as much a dictator as Aguinaldo asserted his right to be—and in the same act to assume all the responsibilities of government there.

The President is demanding absolute power from Congress, if he is demanding anything, that, as the agent of Congress, we shall assume all the responsibility for his conduct. Acting both as servant and master, he ought to have an easy time. This bill has been used with such care and assiduity to defeat all canal legislation that the conclusion is irresistible that it fulfills the warning prophecy of the great Republican seer, the Hon. JOSEPH CANNON.

In December we may know something more definite as to the prospects of suppressing the insurrection in the Philippines, and the friends of this bill, if they really intend to exert absolute and imperial power in those islands through the executive arm of the Government, will do well to let the November elections take place before they thus engage in the abrogation of the Constitution of the United States.

They should wait for cool weather to visit upon the country the hot purpose of slaughtering the organic law, which is the Government of the United States.

If our possession of the Philippines is to be perpetual, as to which I must defer to the opinions of Senators who will occupy my seat ten, or twenty, or fifty years after I am dead, because nobody is ready, so far as I believe, to vote for their present abandonment, they will contribute untold millions of dollars of the cream of our commerce with those people to the transcontinental railroads.

Commerce and industry will have to submit to starvation, as they are now doing, to feed this unrelenting monopoly, this insatiable horse leech, unless this Congress shall rise to the occasion and give to the people a competitive waterway through the Isthmus of Darien.

In a few hours' work we can do this, but we are not permitted to do that work because the steering committee of the Senate will not allow it. They have placed this bill, like an air brake, on the wheels of legislative progress, and have called a dead halt upon all canal legislation.

The President may be behind them; I do not believe it; yet he is in that paralytic condition into which Presidents even may lapse when they are candidates for reelection. He is in the hands of his friends, and his friends are in the hands of the enemies of the canal. Will the Senate submit to their dictation for the sake

of the power that may be contributed to the exchequer of a political campaign committee?

This is a question for the people to answer, and their response will not be uncertain or long delayed. They will say to the Senate, "You have passed canal bills not so meritorious as the Hepburn bill, in 1893 by 11 majority and in 1898 by a majority of 42 votes, when you did not have the certain basis of action you now have. What has happened now to freeze you into a condition of paralysis?" The answer to that question will have to be made by the Senate to an outraged people.

I will not be responsible for that righteous demand of the people. I will not wash my hands, as Pilate did, to avoid responsibility, or to avoid the appearance of complicity in a crime against mankind. I will take the part of the victim and prefer to die with the innocent rather than to aid in the triumph of the guilty.

Mr. President, I do not know whether to say that I hope to pass the pending bill at the present session of the Senate. That depends upon the will of two men on this floor. If they are controlled by a determination that the sources of Republican revenue for campaign purposes rest with the great canal and railroad combinations of this country and shall neither be cut off nor diminished, then, sir, they will decide that the people shall not have the canal. But the responsibility rests with them, and if they so act it will rest through them upon the Republican party.

I have not sought to make this a party measure. It has not been made a party measure in any vote that has been given in the House or in the Senate heretofore. Here we find a bill presented that involves the discussion of the great question of the control of the Philippines, anticipating it in all its forms and conditions and for all time to come, pressed upon the Senate when it is perfectly well known that we are not prepared and do not intend to act upon it; that no Senator here can justify himself in the eyes of his own constituency by giving a vote for this bill or against it, or by voting for or against the many amendments that will be offered to it, under the present conditions, with the lights that exist upon that subject.

We find the President of the United States armed and panoplied with all the power that is necessary to conduct all civil and military government in the Philippines. No one has complained at what he has done. No one has charged him with the exercise of power in an improper way. The country is satisfied with the manner in which he is proceeding, and with the authority under which he is moving.

Under these conditions there can be nothing but harm in the disturbance of them. To substitute now a new source of power and authority for that which exists; to come to us and ask us to confer upon the President of the United States all the civil, military, and judicial power, including the power to legislate and appoint to office, to fight battles and raise armies and the like of that, to be exercised at his will and pleasure, is to make a demand upon the Senate of the United States that is so arrogant and so unseemly that any Senator would be perfectly justified in remaining here and spending all of his physical strength to the end of his days rather than to submit to such a movement.

Sir, I repeat; the accusation is proven to be just against the Republican party; that while they are in favor of expanding the influence and power of this Government so as to give its benefits and its blessings to all the people who may be in reach of them through the providence of God, it has been proven in the case of Porto Rico and upon this bill that it will not do this unless it can establish that imperial absolutism which strikes down the powers of Congress and incorporates and lodges in the hands of the President all the powers of the legislative, executive, and judicial departments of the Government.

I have waited to see how this thing would turn out. I did not speak upon that treaty, either openly or privately. I have not discussed any of the many resolutions which, by way of anticipation and prevision, seek to arrange and fix the conditions of this country in respect of the Philippines, Porto Rico, and Cuba, in the distant future or in the near future. I have waited to see what the developments would actually be; and it is true, sir, that in the Porto Rican bill and in this bill imperialism raises its crest and demands the submission of the people of the United States to its authority, even though it may wreck every constitutional right that we possess.

That is the attitude of the Republican party to-day, deliberately assumed and forced upon the President of the United States in the Porto Rican case, after he had made a firm and, I suppose, an honest and a manly declaration to the contrary. He was forced to recall his words, to change his attitude, to revoke his Presidential pledge to the world, at the behests of the men in his party who have hitherto and now intend, and will always hereafter intend, to confer upon the President of the United States or any agents selected by them autocratic powers to govern at their will and pleasure and for their convenience and their satisfaction, at the peril of every right and privilege that has been secured by our

fathers under the Constitution of the United States to the States and to the people.

They have solemnly denied the right of the people to trial by jury. They take up, for the purpose of increasing the revenues of a certain class of the people in the United States, certain trades and occupations and reward them by passing a special tariff law to apply to Porto Rico, peculiar to that country. They do that without any sort of hesitation. If that is not a violation of the Constitution of the United States, in my poor judgment one is not conceivable.

And now when that great bill comes over from the House of Representatives, originated by one of the great leaders of the Republican party of the United States and fought through that House with the vigor of a lion and with the courage of a great man, and when that bill comes to be considered here it is laid aside and thrown off the track, either for the purpose of making terms and agreements with canal and railroad combinations or else for the purpose of accommodating the imperialists and absolutists who record their opinions in the language of this bill. I am opposed to it, sir.

Mr. TELLER obtained the floor.

Mr. PETTIGREW. I wish to give notice that I desire to take the floor and speak on the Philippine bill, which is the unfinished business, immediately after the close of the remarks of the Senator from Colorado [Mr. TELLER].

Mr. ALLISON. I understand that the Senator from Colorado [Mr. TELLER] is willing to yield to me that I may ask that the pending bill, which is the unfinished business, may be informally laid aside in order that I may call up the sundry civil appropriation bill.

Mr. TELLER. I will state, as the Senator from Iowa wants to proceed with the consideration of the sundry civil appropriation bill, that I have consented to allow that to be done. I suggest that to-morrow there is a special order, which will perhaps take all day, and so the pending business before the Senate might be postponed until Monday morning after the routine business of the Senate.

Mr. ALLISON. I do not think that is necessary. It will be the unfinished business anyway to-morrow unless laid aside.

Mr. TELLER. The reason why I have made the statement is that I do not wish to interfere with the chairman of the Committee on the District of Columbia, who gave notice that to-morrow he wished to have the consideration of bills reported from that committee.

Mr. BERRY. That was not to interfere with appropriation bills.

Mr. TELLER. Of course not; but the sundry civil bill may get through in the meantime.

Mr. BERRY. I hope so.

Mr. TELLER. I will yield the floor for the present, and will take the floor on the Philippine bill when the opportunity shall be presented.

COLORADO DEVELOPMENT COMPANY.

Mr. PETTIGREW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6250) extending the time for proof and payment on lands claimed under the desert-land law of the United States by the members of the Colorado Cooperative Colony in southwestern Colorado, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"SEC. 2. That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section 2301 of the Revised Statutes of the United States and the amendments thereto, shall be entitled to the benefits of the homestead laws as though such former entry had not been made, except that commutation under the provisions of section 2301 of the Revised Statutes shall not be allowed of an entry made under this section of this act.

"SEC. 3. That any person who, prior to the passage of this act, has made entry under the homestead laws, but from any cause has lost or forfeited the same, shall be entitled to the benefits of the homestead laws as though such former entry had not been made: *Provided*, That persons who purchased land under and in accordance with the terms of an act entitled "An act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March 2, 1889, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the amended title insert: "An act for the relief of the Colorado Cooperative Colony, to permit second homesteads in certain cases, and for other purposes;" and the Senate agree to the same.

R. F. PETTIGREW,
THOMAS H. CARTER,
W. V. SULLIVAN,

Managers on the part of the Senate.

JOHN F. LACEY,
F. W. MONDELL,
MARION DE VRIES,

Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the unfinished business may be laid aside informally in order that the Senate may proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside for the consideration of the sundry civil appropriation bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that the bill may be read for amendment, the amendments reported by the Committee on Appropriations to be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa? The Chair hears none, and that order is made.

The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," on page 4, after line 16, to insert:

For old custom-house at Detroit, Mich.: For placing new elevator and work incident thereto in said building, \$10,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 2, to insert:

For rental quarters at Macon, Ga.: For annual rental of temporary quarters for the accommodation of certain Government officials, including necessary moving expenses, \$5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine stations," on page 11, line 1, after the word "stations," to strike out "at or near Fleming Key" and insert "in the discretion of the Secretary of the Treasury, near Key West;" and in line 3, after the word "and," to insert "at;" so as to make the clause read:

For the establishment of national quarantine stations, in the discretion of the Secretary of the Treasury, near Key West, and at Mullet Key, Fla., made necessary by the transfer, by direction of the President, of the Tortugas quarantine station to the Navy Department for use as a coaling station for the Navy, \$125,000.

Mr. MALLORY. I desire to ask the Chair whether this reading of the bill is simply for the purpose of hearing the amendments reported by the committee, or is it to act upon the amendments?

The PRESIDENT pro tempore. To act upon the amendments.

Mr. MALLORY. I desire to ask the Senator from Iowa whether this proposed amendment, striking out the words "at or near Fleming Key" and inserting the words "in the discretion of the Secretary of the Treasury, near Key West," has been presented to the Marine-Hospital Service?

Mr. ALLISON. This amendment was inserted at the request of the Department. The Surgeon-General of the Marine-Hospital Service stated that the language "at or near Fleming Key" was too definite, that they were not quite certain as to the best point at which to establish this new station, and therefore they preferred the use of the phraseology inserted by the Senate committee.

Mr. MALLORY. Mr. President, that is a very important amendment, and one to which I certainly must file an objection. Fleming Key itself is too near Key West undoubtedly for a quarantine station. It is not quite 2 miles from Key West; and I think that, in the estimate of those people who have had some experience in quarantine down in that part of the country, at least 7 miles of open water ought to intervene between a quarantine station and an inhabited community.

Unfortunately, I do not think there is any other place within easy reach of Key West that can be utilized for a quarantine station because of the difficulty of securing safe anchorage for ships. If vessels go into quarantine they have to be segregated from the ordinary shipping, and they must have a good and safe anchorage. There is safe anchorage near Fleming Key and deep water; that is, water up to 23 feet; but, as I have already said, if located at Fleming Key or its neighborhood, it will be within 2 miles of the city of Key West, which has a population of some 20,000, and they naturally object to that.

The amendment which has been proposed to that is to strike out the words "at or near Fleming Key," and to make the clause read:

For the establishment of national quarantine stations, in the discretion of the Secretary of the Treasury, near Key West and at Mullet Key, Florida.

It strikes me that that is conferring too important and wide a discretion upon the Secretary of the Treasury. The Secretary of the Treasury knows nothing of that location, and I do not think the Marine Hospital Bureau, until I called their attention to the fact, knew that Fleming Key was within 2 miles of the city of Key West; and yet they propose to insert that language.

I have received a number of protests from the people of Key West against it. You might as well put a quarantine station down here at the Eastern Branch as to put one at Fleming Key or in the neighborhood of Fleming Key, and to leave that with the Secretary of the Treasury, who, as I say, knows nothing whatever of the situation, is, I think, entirely too broad a discretion to vest in him.

I proposed to the Surgeon-General of the Marine-Hospital Service the following amendment, which he said he would recommend, and which, I have been informed, the Secretary of the Treasury was willing to recommend, which is, to strike out the language "at or near Fleming Key" and substitute in lieu thereof the words "near Key West;" after the word "and," in line 3, on page 11, to insert the word "at;" and at the end of line 7 to insert the following:

Provided, That no such station shall be established within 5 miles of the island of Key West without the consent thereto of the board of health of the State of Florida.

It strikes me, Mr. President, that that would be a very proper course to take as a restraint upon the discretion of the Secretary of the Treasury.

Mr. ALLISON. May I ask the Senator from Florida if that suggestion meets the approval of the Surgeon-General of the Marine Hospital Service?

Mr. MALLORY. He agreed with me to write to the Secretary of the Treasury and to the chairman of the committee on that subject. I would rather have it 7 miles, if it does not make any material difference to him, than 5 miles, and I propose to so modify my amendment.

Mr. ALLISON. I hope the Senator from Florida will strike out that part of his amendment which requires the approval of the health board of the State of Florida.

Mr. BERRY. I understood the Senator to say that it would require that approval if the station was within 5 miles of the island of Key West.

Mr. ALLISON. I ask that the amendment may be stated at the desk.

Mr. MALLORY. I have changed it from 5 miles to 7 miles. The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. On page 11, after the word "dollars," in line 7, it is proposed to insert:

Provided, That no such station shall be established within 7 miles of the island of Key West without the consent thereto of the board of health of the State of Florida.

Mr. ALLISON. I can not consent to that amendment unless it shall meet with the approval of the Surgeon-General in charge of quarantine or of the Secretary of the Treasury.

We have amended this provision so as to leave a discretion as to the location of these stations, giving the widest range possible for a full examination of them. I think a quarantine station is necessary at both of these places, but I should not like to consent to a modification of the provision without further information. I am willing that the amendment shall be passed over in order that the Senator may secure the approval of the administrative officers as to his amendment.

Mr. MALLORY. I will say to the Senator that I think the Secretary of the Treasury will approve it, and I think from the information I have received, from the office of the Surgeon-General of the Marine-Hospital Service that he will also approve it; but I am perfectly willing to let the matter go over for the present.

Mr. HALE. Does the Senator from Iowa, under any circumstances, think that upon this subject of quarantine, which has been assumed by the General Government, there should be a provision which limits the entire operation of it to the discretion of a State board of health?

Mr. ALLISON. I do not.

Mr. HALE. Then the Senator is not intimating, even if the Secretary of the Treasury agrees to the amendment of the Senator from Florida, that the Senator from Iowa will agree to it.

Mr. ALLISON. Certainly not. The Senator from Florida proposes to change the location of these two quarantine stations. We inserted the provision as it appears in the bill at the request of the Secretary of the Treasury and the Surgeon-General of the Marine-Hospital Service. I do not wish to consent to a change of the location of those stations without the approval of those having the responsibility.

Mr. HALE. That is right, undoubtedly; but also the Senator does not propose to have those words in anyway?

Mr. ALLISON. I have so stated once.

Mr. HALE. I do not know but that the Senator from Florida [Mr. MALLORY] may think the Senator would be willing to consent that those words of limitation by the State authorities should be inserted if the Secretary of the Treasury thought fit.

Mr. MALLORY. That was my understanding.

Mr. ALLISON. I said to the Senator from Florida a moment

ago that I could not consent to the suggestion that in these matters we were to ask the approval of a State board of health.

Mr. HALE. That is right.

Mr. MALLORY. My amendment as offered only undertakes to affect the location of the quarantine station at Key West, and not the one at Mullett Key. That is all right. I do not object to that. It is at the mouth of Tampa Bay and 30 miles from any community; but to vest in the Secretary of the Treasury discretion to locate a quarantine station within 2 miles of Key West is something that I do not think we ought to do under any circumstances.

Mr. ALLISON. The amendment proposed here by the committee is an amendment suggested by the Secretary of the Treasury, no doubt under proper advice from the Surgeon-General, so as to give him a wider latitude. I take it for granted that that discretion would not be exercised so as to affect injuriously the citizens of Key West. So if the Senator desires the amendment to be passed over, I am willing that it shall be done, so that he may secure a letter from the Secretary of the Treasury on the subject. It may be that on further examination we may desire to change the amendment.

Mr. MALLORY. I am perfectly willing to let it go over and let the Secretary's advice be obtained.

Mr. ALLISON. I supposed we had his recommendation regarding it.

The reading of the bill was resumed at line 8, on page 11, and continued to the end of line 11, as follows:

For quarantine station, South Atlantic: For accommodations for crew, \$1,000; transfer barge, \$1,000; crematory, \$1,000; in all, \$3,000.

Mr. ALLEN. I observe in the paragraph which has just been read an appropriation for a crematory, and I also observe the same language in another paragraph of this bill. I have the impression that we should have some explanation of that matter from the Committee on Appropriations as to why, at these different quarantine stations, and under what circumstances, persons should be cremated, and by what authority. I ask that question of the Senator from Iowa.

Mr. ALLISON. I suppose that crematories are necessary at the large quarantine stations for the purpose of destroying clothing and other articles which carry infection. I suppose so, but I do not know. This is a recommendation made by the Secretary of the Treasury. I should think a crematory at such a station would be a very wise thing to have.

Mr. ALLEN. I understand the substance of the statement of the Senator from Iowa to be that these crematories are necessary.

Mr. ALLISON. I think they are.

Mr. ALLEN. For what reason are they necessary? What makes them necessary?

Mr. BERRY. To prevent the spread of disease.

Mr. ALLEN. I do not believe that Congress or any other authority is authorized to dispose of the remains of human beings, whether in the service of the United States or whether private citizens, without the consent of the relatives of those persons.

Mr. ALLISON. The amendments of the committee are to be first considered, I will say to the Senator; and if he desires later on to move to strike out, he will have that opportunity.

Mr. ALLEN. I understand the committee amendments are first to be considered; but I do not esteem it my duty to offer an amendment to this clause, nor do I esteem it the province of the committee to incorporate into this bill as cruel and unusual a provision as the one which is found here. It may be a matter of indifference to the committee; it may be a matter of indifference to a great many Senators and to a great many people; but it is an unnatural and an unusual way of disposing of the remains of deceased persons. I do not for a moment assent to the conclusion that if a man is in the naval or military service of the United States and dies from a disease that is contagious or infectious, it is within the province of the Government to dispose of his remains in this way.

That rule would not apply to the case of a private citizen where there was no assent of the relatives to a disposition of his remains in that manner. I do not know whether I can change these provisions, Mr. President, but I want to put my emphatic seal of condemnation, so far as it may go, upon the absolute and, to me, inexcusable barbarity of incorporating a cruel provision of this character in any legislation.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 12, line 10, after the word "stations," to insert "and the marine-hospital sanatorium, Fort Stanton, N. Mex.;" so as to make the clause read:

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, and the marine-hospital sanatorium, Fort Stanton, N. Mex., under control of the Treasury Department, exclusive of personal services, except for work done by contract, \$150,000.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert:

Rockland Breakwater, Maine, pier-head light: For the construction of a light station on the outer end of the Rockland Breakwater, consisting of a stone pier supporting a small dwelling with a light and fog signal, \$30,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 12, to insert:

Pollock Rip Shoals, Massachusetts: For additional amount for establishing a light-house and fog signal or light-ship at a point north of the bell buoy near the broken part of Pollock Rip Shoals, at the northeastern entrance of Nantucket Shoals, Massachusetts, \$5,000.

Mr. LODGE. I should like to ask the Senator from Iowa if this is in addition to the prior appropriation of \$80,000.

Mr. ALLISON. It is.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 15, line 11, before the word "dredging," to strike out "and," and in the same line, after the word "basin," to insert "and repairs and improvements to buildings and grounds and erection of new buildings where necessary to replace old buildings;" so as to make the clause read:

Staten Island light-house depot, New York: For continuing the construction of the sea wall, rebuilding wharves, dredging the basin, and repairs and improvements to buildings and grounds and erection of new buildings where necessary to replace old buildings at the general light-house depot at Tompkinsville, Staten Island, N. Y., \$25,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to insert:

Delaware Bay light and fog signal: For establishing a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, \$30,000.

The amendment was agreed to.

The next amendment was, on page 16, line 10, before the word "thousand," to strike out "fifty" and insert "eighty;" so as to make the clause read:

Sabine Bank light and fog-signal station, Texas: For establishing a light and fog-signal station on Sabine Bank, in the Gulf of Mexico, off Sabine Pass, \$80,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

Toledo Harbor light and fog-signal station, Ohio: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a light and fog-signal station to mark the outer end of the main channel entrance to Toledo Harbor, Ohio, at a total cost of \$100,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to insert:

Grosse Pointe light vessel, Michigan: That the appropriation of \$15,000 made by the sundry civil appropriation act approved July 1, 1898, for constructing, equipping, and outfitting complete for service a steam light vessel, with steam fog signal, at Poe Reef, Straits of Mackinac, Michigan, is hereby reappropriated and made available for constructing, equipping, and outfitting complete a new light vessel for Grosse Pointe, Michigan.

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to insert:

Head of St. Marys River, Michigan: For additional amount for establishing an additional set of range lights to mark the channel at the entrance of St. Marys River, \$2,700.

The amendment was agreed to.

The next amendment was, on page 17, after line 22, to insert:

Grosse Isle South Channel range light station, Michigan: For building a dwelling for the light keeper at Grosse Isle South Channel range light station, Detroit River, Michigan, \$3,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

Grosse Isle North Channel range light station, Michigan: For building a light keeper's dwelling at Grosse Isle North Channel range light station, Detroit River, Michigan, \$3,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 11, to insert:

Relief light vessel for the Twelfth and Thirteenth light-house districts (Pacific coast): Toward constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, \$40,000; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed \$80,000.

The amendment was agreed to.

The next amendment was, on page 18, line 19, after the word "district," to strike out:

The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a large, powerful, seagoing tender heretofore authorized for the Thirteenth light-house district, at a total cost not exceeding \$120,000.

And insert:

For additional amount for the construction of a large, powerful, seagoing tender heretofore authorized for the Thirteenth light-house district, \$20,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for such construction at a total cost not to exceed \$120,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 8, to insert:

Desdemona Sands, mouth of Columbia River, Oregon: For establishing a light and fog-signal station near the lower end of the Middle Ground, Desdemona Sands, Columbia River, Oregon, in addition to the unexpended balance of the appropriation of \$11,000, in the act of June 11, 1896, for Fort Stevens light and fog-signal station, mouth of Columbia River, Oregon, which is hereby reappropriated and made available for the light and fog-signal station at or near the Middle Ground, Columbia River, \$24,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 18, to insert:

Slip Point light-house and fog signal, Washington: For establishing a light-house and fog signal at Slip Point, Clallam Bay, State of Washington, \$12,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 8, to insert:

Joint light-houses and fog-signal stations in Alaskan waters: To enable the Secretary of the Treasury to establish, under the direction and supervision of the Light-House Board, joint light-houses and fog-signal stations in Alaskan waters, \$150,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 21, line 8, after the word "lights," to insert "including purchase of land for same," and in line 12, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

Repairs of light-houses: for repairing, protecting, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing day marks and pierhead and other beacon lights, including purchase of land for same; for illuminating apparatus and machinery to replace that already in use, and for all other necessary incidental expenses relating to these various objects, \$640,000.

Mr. LODGE. I should like to ask the Senator from Iowa—he may remember that I introduced an amendment to change the characteristic of the Cape Cod light—if this is intended to cover that expenditure? It is a very important change.

Mr. ALLISON. I understand that the increase is made at the request of the Light-House Board. They appeared before us and requested this.

Mr. LODGE. They approved of my amendment to change the characteristic, and I wanted to know whether it was included. I supposed this amendment included it, because it is the exact amount asked for.

Mr. ALLISON. It does include it, and was intended for that purpose.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 3, after the word "dollars," to insert:

The Light-House Board is hereby authorized and directed to establish suitable lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, in Minnesota.

The amendment was agreed to.

The next amendment was, on page 23, after line 5, to insert:

Lighting ship channels: For lighting ship channels constructed by the United States on the Great Lakes and their connecting waters, in cases where the interests of safe navigation may require, and where lights have not been established by law, \$6,000, to be expended under contracts to be made by the Light-House Board.

The amendment was agreed to.

The next amendment was, on page 23, after line 15, to insert:

Porto Rican light-house establishment: To maintain existing lights on the island of Porto Rico, \$60,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Life-Saving Service," at the top of page 24, to insert:

For one superintendent for the coasts of Rhode Island and Fishers Island, to be known as the Third Life-Saving district, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 5, before the words "Long Island," to strike out "coasts of Rhode Island and" and insert "coast of," and in the same line, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the coast of Long Island, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, after line 6, to strike out:

For one assistant superintendent for the coasts of Rhode Island and Long Island, \$1,200.

The amendment was agreed to.

The next amendment was, on page 25, line 9, before the word "hundred," to strike out "seven" and insert "nine;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, \$1,800; in all, \$21,900.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 9, page 25, to insert:

The Secretary of the Treasury may change the serial numbers of the several districts as may be necessary to conform to the provisions of this act.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 27, after line 24, to insert:

For the purchase or construction of a suitable launch for the customs service at and in the vicinity of Astoria, Oreg., \$2,500; and the sum of \$2,500 appropriated by the sundry civil act approved March 3, 1899, for constructing such launch is hereby made available for the purchase or construction of the same.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to insert:

For the construction, or purchase, under the direction of the Secretary of the Treasury, of a vessel to be used and equipped as a revenue cutter of

the third class for service on the St. Marys River, Michigan, for the purpose of protecting the revenue and enforcing the rules of navigation on said river, \$37,500; and the total cost of said vessel, either by purchase or under a contract, which is hereby authorized therefor, shall not exceed \$75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and printing," on page 30, after line 2, to insert:

For rent of office now occupied by agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, at the rate of \$50 per month, \$600.

The amendment was agreed to.

The next amendment was, on page 32, line 19, after the word "instruments," to insert: "and the lease of sites where necessary and the erection of temporary magnetic buildings;" and on page 33, line 1, after the word "dollars," to insert "to continue available until expended;" so as to make the clause read:

For continuing magnetic observations and to establish meridian lines in connection therewith in all parts of the United States, and for making magnetic observations in other regions under the jurisdiction of the United States, including the purchase of additional magnetic instruments, and the lease of sites where necessary and the erection of temporary magnetic buildings, for continuing the line of exact levels between the Atlantic, Pacific, and Gulf coasts; for furnishing points to State surveys, to be applied as far as practicable in States where points have not been furnished; for determinations of geographical positions and for continuing gravity observations, \$50,000, to continue available until expended.

The amendment was agreed to.

The next amendment was, on page 34, line 2, after the word "dollars," to insert "to continue available until expended;" so as to make the clause read:

For repairs and maintenance of vessels: For repairs and maintenance of the complement of vessels used in the Coast and Geodetic Survey, including the traveling expenses of the person inspecting the repairs, \$29,600, to continue available until expended.

The amendment was agreed to.

The next amendment was, on page 34, after line 3, to insert:

For purchase or construction of one small steamer, to be immediately available, \$20,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 24, to insert:

For one assistant, \$2,400.

The amendment was agreed to.

The next amendment was, on page 35, line 16, to increase the total appropriation for salaries Coast and Geodetic Survey, from \$114,060 to \$116,460.

The amendment was agreed to.

The next amendment was, on page 36, line 15, after the word "two," to strike out "clerks of class 3;" so as to make the clause read:

For two, at \$1,600 each.

The amendment was agreed to.

The next amendment was, on page 36, after line 23, to strike out:

For one, at \$2,400.

The amendment was agreed to.

The next amendment was, on page 37, line 21, after the word "seven," to strike out "clerks of class 1;" so as to make the clause read:

For seven, at \$1,200 each.

The amendment was agreed to.

The next amendment was, on page 38, line 11, to reduce the total appropriation for pay for office force, Coast and Geodetic Survey, from \$144,040 to \$141,640.

The amendment was agreed to.

The next amendment was, under the head of "Smithsonian Institution," on page 40, line 4, before the word "dollars," to insert "five hundred;" so as to make the clause read:

American ethnology: For continuing ethnological researches among the American Indians, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, \$50,000, of which sum not exceeding \$1,500 may be used for rent of building.

The amendment was agreed to.

The next amendment was, on page 41, after line 5, to insert:

For purchase of specimens to supply deficiencies in the collections of the National Museum, \$10,000.

The amendment was agreed to.

The next amendment was, on page 42, line 6, in the clause relating to the National Zoological Park, after the word "earth," to insert the following proviso:

Provided, That the unexpended balance of the amounts, aggregating \$8,000, heretofore appropriated for widening, grading, and regulating Adams Mill road from Columbia road to the Zoological Park entrance is hereby reappropriated, to be expended under the direction of the Commissioners of the District of Columbia; and that the control of Adams Mill road is hereby vested in the said Commissioners, and all proceedings necessary to purchase or condemn the land necessary to widen said road as authorized by act approved March 3, 1899, providing for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes, shall be taken by said Commissioners.

The amendment was agreed to.

The next amendment was, on page 42, after line 19, to insert:

For construction of a boundary fence around the National Zoological Park, including the cost of five entrance gates, \$20,000.

The amendment was agreed to.

The next amendment was, under the head of "Fish Commission," on page 43, line 13, to increase the appropriation for the salary of 8 firemen from \$540 each to \$600 each, and, in line 18, to increase the total appropriation for "Office of Fish Commission" from \$25,860 to \$26,040.

The amendment was agreed to.

The reading was continued to line 24, page 43.

Mr. ALLISON. On line 22, I move to strike out "bookkeeper \$1,080," and to insert in lieu thereof "clerk of class 1."

The amendment was agreed to.

Mr. ALLISON. Now, I move to change the total accordingly, striking out, in line 24, "two hundred" and inserting "three hundred and twenty," so as to read:

Seven thousand three hundred and twenty dollars.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 44, line 8, after the word "three," to insert "one clerk of class two;" in the same line, before the word "clerks," to strike out "three" and insert "two;" and in line 10, before the word "hundred," to strike out "two" and insert "four;" so as to make the clause read:

Division of fish culture—Office: Assistant in charge, \$2,700; superintendent of car and messenger service, \$1,600; 1 clerk of class 3; 1 clerk of class 2; 2 clerks of class 1; 1 copyist, \$720; in all, \$10,420.

The amendment was agreed to.

The next amendment was, on page 47, line 19, after the word "dollars," to strike out "laborer, \$540" and insert "two laborers, at \$600 each;" and in line 22, before the word "dollars," to strike out "two hundred and forty" and insert "nine hundred;" so as to make the clause read:

Leadville (Colo.) Station: Superintendent, \$1,500; foreman, \$1,200; 2 fish-culturists, at \$900 each; skilled laborer, \$720; 2 laborers, at \$600 each; cook, \$480; in all, \$6,900.

The amendment was agreed to.

The next amendment was, on page 48, line 10, after the word "dollars," to insert "fish-culturist, \$900;" and in line 13, before the word "hundred," to strike out "three thousand four" and insert "four thousand three;" so as to make the clause read:

Clackamas (Oreg.) Station: Superintendent, \$1,500; fish-culturist, \$900; laborer, \$720; 2 laborers, at \$600 each; in all \$4,320.

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert:

For establishing a fish-hatching and fish-culture station, including construction of buildings and ponds, and equipment, at some suitable point in Idaho, to be selected by the United States Commissioner of Fish and Fisheries, \$10,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be used for the purchase of a site.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 54, after line 24, to insert:

To enable the Interstate Commerce Commission to collect and compile a ten-year book, containing the statistical history of the railways of the United States, from 1891 to 1900, inclusive, \$10,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects under the Treasury Department," on page 55, after line 11, to insert:

Office of the Secretary: For additional amount for two assistant engineers, office of chief clerk and superintendent, to make their salaries \$1,000 each per annum, \$560.

The amendment was agreed to.

The next amendment was, on page 55, after line 25, to increase the appropriation for punishment for violations of internal-revenue laws from \$75,000 to \$100,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 12, to strike out:

Rent, Internal Revenue Service: For rental of temporary quarters for the accommodation of the collector of internal revenue at Syracuse, N. Y., \$3,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 17, to insert:

For new machinery and appliances for the new United States mint building at Denver, Colo., \$150,000.

The amendment was agreed to.

The next amendment was, on page 58, line 8, before the word "counters," to strike out "two" and insert "three;" so as to make the clause read:

Distinctive paper for United States securities: For paper, including transportation, salaries of register, 3 counters, 5 watchmen, 1 laborer, and expenses of officer detailed from the Treasury as superintendent, \$135,000.

The amendment was agreed to.

The reading of the bill was continued to page 61, line 19.

Mr. ALLISON. On page 61 I move to strike out lines 17, 18, and 19, in the following words:

No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.

The amendment was agreed to.

Mr. ALLISON. On page 61, after line 16, I move to insert:

Operation of pneumatic tubes: For supplying necessary power, and repairs to power plants, for operating pneumatic tubes for the transmission of mail matter, court-house and post-office buildings, Philadelphia, Pa., New York City and Brooklyn, N. Y., and the post-office and subtreasury building, Boston, Mass., \$20,000.

Under the contract made with the pneumatic-tube people in these three cities the Government of the United States furnishes them the power, and is required to do so by the contract. The provision which was struck out on my motion excluded the idea of furnishing the power; but inasmuch as we have already agreed in another bill to continue these contracts for another year, it is necessary for the Government to make this appropriation.

Mr. BUTLER. I will say to the Senator who has charge of the bill that that provision, which was put on the Post-Office appropriation bill in the Senate, has not yet passed Congress.

Mr. ALLISON. Undoubtedly, but this bill is also now passing through its various stages, and at least the provision in lines 17, 18, and 19 should be stricken out, in order that it also may go into conference. Should the conferees on the part of the House insist that no appropriation shall be made, of course the Senate conferees, with that clause stricken out here, would recede from this amendment of the Senate.

Mr. BUTLER. I can see how that could be done. To-day the House conferees on the Post-Office appropriation bill objected to the Senate amendment, and the House probably will not put it in. But however that is, if the amendment put in on the Post-Office appropriation bill by the Senate becomes a law we are paying \$225,000 for a service that everybody admits is exorbitant.

The contracts to which the Senator refers are tentative contracts. They are not legal and binding. They were read and discussed in the Senate a few days ago, and they all depend upon appropriations. Those who entered into those tentative contracts did it with notice that everything depended year after year upon whatever action Congress would take, and that there was no kind of a legal obligation upon the Government.

Now, Mr. President, I understood that when we put the \$225,000 into the Post-Office appropriation bill that that covered absolutely all the expense that the Government was to have. I so understood it from the way the contracts read. But however they read, they are dependent entirely upon what action we take, and it is admitted by the president of the company that the amount we are paying is excessive. He made a proposition that if we would extend the service, he would give it at a much lower rental. The post-office appropriation bill provides for investigating this whole question, with a view to the Government having its own plant.

I am not myself in favor of appropriating another cent further than the Senate put on the Post-Office appropriation bill, and that is entirely too much. In my judgment it is more rental per year than the whole pneumatic-tube system cost to build it. Twenty-eight thousand one hundred and twenty-five dollars a mile rental is what the Senate voted here the other day. I have no idea that it costs anywhere near that much to build these tubes. How could it cost more to make a hole in the ground and put in a little tube than it costs to build a railroad across a mountain?

Now, to come in here and appropriate \$20,000 in addition to that for furnishing power to them, it seems to me is absurd. The amount we put in the Post-Office appropriation bill is entirely too large if it covered every expense. This looks to me very much like piling up money for this concern and putting it in different bills because we could not stand it if it all came in one bill.

However that may be, Mr. President, it does not seem to me that there is any excuse for this provision going in here. I hope the House will disagree to the Senate amendment in regard to pneumatic tubes, and that we will have no more of them until the thing is investigated to know what it will cost to build them and operate them, and whether we are going to have to rent them or whether the Government shall build them. That provision will be made. It was agreed to-day by the conferees to put in the bill the provision for an investigation by the Post-Office Department. That will become a law, and I do not think we ought to do anything else. I hope the House will vote out the appropriation of \$225,000 from the Post-Office appropriation bill, but whether it does or not, we ought not to add to that appropriation the amount proposed here.

Mr. ALLISON. I sympathize with the Senator from North Carolina in respect to the cost of the operation of the pneumatic tubes and the rent we are paying for them. But the contract for these three places requires us to furnish the motive power. We are now furnishing the motive power, and the motive power is in the public buildings of the United States.

Mr. PETTIGREW. Our existing contracts, however, provide that they are subject to appropriations to be made by Congress.

Mr. ALLISON. Undoubtedly.

Mr. PETTIGREW. The existing contracts were made without authority of law by the Third Assistant Postmaster-General, who, the minute he went out of office, accepted service as the attorney or representative of the pneumatic tube company. It seems to me that if this appropriation is not made the contract can be modified to that extent, owing to failure on the part of Congress to make the appropriation, and that it would be very provident to save this much money.

Mr. ALLISON. It is only a question as to whether we shall carry out the contracts we have made or whether we shall not do so. It is the old question. I have no special concern about it. This being estimated for and being a part of the operation of the tubes, we proposed to insert it.

Mr. PETTIGREW. But do we not carry out the contract? In the first place, the contract was made without any authority of law. It was made by an Assistant Postmaster-General who apparently was not any too straight. It provides that it is only to be binding in consideration of Congress making the appropriation. I do not see where we are bound to make an appropriation to carry out the contract, but we do carry it out in fact if we fail to make the appropriation.

Mr. ALLISON. The amount proposed to be appropriated is the amount given the current year, and it is all expended in the public buildings where the pneumatic tubes are now being operated. These tubes are being operated in the various post-offices in the cities named. I have no concern about it. If it is not the wish of the Senate to appropriate for these tubes they can say so.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa. [Putting the question.] The ayes seem to have it.

Mr. BUTLER. I ask for the yeas and nays on the amendment.

Mr. WOLCOTT. Mr. President, I desire to say a word on the amendment, if I am in order.

The PRESIDENT pro tempore. Certainly, the Senator is in order.

Mr. WOLCOTT. I wish to state that the conference committee on the Post-Office appropriation bill has not yet entirely agreed as to the appropriation of \$225,000 for the continuance for one year of the pneumatic-tube service already under contract; and I will say to the Senator from Iowa [Mr. ALLISON] that if, in the wisdom of the two Houses, that appropriation shall stay in that bill, this amount of money will be essential for the conduct of the business—the \$225,000 called for by the contracts with an agreement on our part to pay. We might just as well cut down the appropriation for pneumatic-tube service to \$25,000 and expect to carry out existing contracts as to cut out this amount of appropriation that is included in this bill.

I suggest to the Senator from North Carolina [Mr. BUTLER], instead of calling for a division at this time, that he let the provision stay in the bill now, and then if it be determined by the two Houses that the provision in the Post-Office appropriation bill shall go out in conference, this provision can be stricken out; but I suppose the Senator from North Carolina will concede, if the Senate and House shall keep the \$225,000 provision in the Post-Office appropriation bill, we have got to put this item in the bill now pending, have we not?

Mr. BUTLER. I will say to the Senator from Colorado that, as I understand these contracts, we can appropriate only half of the \$225,000 if we see fit to continue this service for another year, because the whole thing depends upon the action of Congress. We are not bound to appropriate a cent if we do not wish to do so.

Mr. WOLCOTT. I understand.

Mr. BUTLER. The whole thing depends on our appropriation. We can appropriate \$100,000 or \$150,000 or \$200,000 without violating any contract. The new contract begins with the appropriation. That is the way the clause reads.

Mr. ALLISON. I withdraw the amendment.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. ALLISON. I also withdraw for the moment the amendment proposed in lines 17, 18, and 19, on page 61, so that the whole matter may go over.

The PRESIDENT pro tempore. The action of the Senate will be reconsidered, in the absence of objection.

Mr. ALLISON. Those three lines in relation to the system of pneumatic tubes were struck out, and the item, by unanimous consent, may be restored.

The PRESIDENT pro tempore. Without objection, the action of the Senate will be reconsidered, and the lines referred to will be restored to the bill.

Mr. PENROSE. I desire to state that I gave notice a week ago that I would to-day at 4 o'clock submit resolutions in memory of the Hon. DANIEL ERMENROUT, late a Representative from the State of Pennsylvania. I have no desire, however, to inconvenience Senators or to interfere with the appropriation bill; and if the Senator from Iowa desires to proceed for a short time longer, I shall not object.

Mr. ALLISON. I hope the Senator will yield for a half or three-quarters of an hour.

Mr. PENROSE. I will yield for half an hour, if the Senator so desires; but I hope I shall not be asked to yield for a longer time.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 67, line 19, to increase the appropriations for compensation in lieu of moieties from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 12, to insert:

For supplying the natives of Afognak Island, Alaska, with fishing nets, \$300.

The amendment was agreed to.

The next amendment was, on page 65, line 5, after the words "District of Columbia," to insert:

Under the supervision and control of the Secretary of the Treasury and under such rules and regulations as he shall prescribe for the proper execution of such laws and the investigation and hearing as to the rights of such Chinese and immigrants to admission into the United States.

So as to make the clause read:

Enforcement of alien contract labor laws: For the enforcement of the alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge, from foreign contiguous territory, \$150,000: *Provided*, That one special inspector, whose compensation shall be paid from this appropriation, may be detailed for duty in the bureau at Washington, and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and control of the Secretary of the Treasury and under such rules and regulations as he shall prescribe for the proper execution of such laws and the investigation and hearing as to the rights of such Chinese and immigrants to admission into the United States.

Mr. LODGE. Mr. President, I think the change of law which is made here in regard to putting all matters relating to the Chinese-exclusion act under the Commissioner-General of Immigration is an extremely good change. I think that under that officer should be placed all the matters relating to immigration, and not only to immigration itself, but the alien contract-labor laws and the Chinese-exclusion act. That office is for that purpose, and I think it makes a great deal better administration. I also think it important that the Commissioner-General of Immigration should be the person charged with this work, as the bill designs, and that he should be responsible to and act under the Secretary of the Treasury, and no one else.

I should like to suggest an amendment to the amendment of the committee, and I hope the chairman will have no objection to it. In line 7, instead of the word "he," I move to insert "the Commissioner-General of Immigration;" and in line 8, after the word "prescribe," to insert "subject to the approval of the Secretary of the Treasury;" so that it will read:

And under such rules and regulations as the Commissioner-General of Immigration shall prescribe, subject to the approval of the Secretary of the Treasury.

He is the proper person, it seems to me, to make the rules under the direction of the Secretary of the Treasury.

Mr. ALLISON. This is new legislation in this bill changing the law respecting the person who shall deal with the immigration of Chinese and alien contract laborers. The Committee on Appropriations hesitated somewhat respecting its duty regarding this legislation. The Senator from Massachusetts [Mr. LODGE] called my attention to the amendment he now proposes. At first it did not seem to me to be objectionable, and I do not know that it will materially change the situation, but this is a very important question.

The rules and regulations, it seems to me, should be made by a responsible officer of the Government having charge of this important branch of the service, and not by a subordinate. Therefore, on mature reflection, I think the language employed by the committee is wiser and better than the language proposed. The Commissioner-General of Immigration will, of course, be consulted and will have a part in the preparation of the rules and regulations.

Mr. LODGE. My objection is just this: The Secretary of the Treasury himself is not going to make these rules and regulations. Mr. ALLISON. I presume the Senator believes that the Secretary of the Treasury ought to be held responsible for them.

Mr. LODGE. I quite agree to that, and my amendment holds him responsible; but the work of making those rules and regulations will be done by somebody to whom he will depute it. I think the person to act, subject to his approval, is the Commissioner-General of Immigration; but if it is to be done by one of the Assistant Secretaries of the Treasury, then let us abolish the office of Commissioner-General of Immigration and make the Assistant Secretary of the Treasury responsible for that Bureau; do not let us have an officer charged with the specific work of regulating immigration and then have an Assistant Secretary of the Treasury called in to make rules and regulations for him. That is what I object to.

Mr. ALLISON. Of course the Senator from Massachusetts

knows very much more about this question than I do; but this only shows the vice of bringing into an appropriation bill important legislation without its first being considered by the committee having charge of the question. Therefore it was that the Committee on Appropriations thought it wise to retain in the Secretary of the Treasury, if this law is to be changed, all the powers he has now.

I care nothing about the matter, but it seems to me that in a proposition to change the law on an appropriation bill those who favor it ought to be content with a reasonable revision.

Mr. LODGE. If the Senator thinks it wise to strike it all out, beginning at the word "and," in line 1, and leaving us to deal with that question in the bill which I think the Senator from Vermont has reported, I have no objection in the world to it. I am perfectly willing to let the whole thing go and not legislate on an appropriation bill; but my amendment proposes to take no power from the Secretary of the Treasury; it simply provides that the person who shall make the rules under the approval of the Secretary of the Treasury shall be the Commissioner-General of Immigration. We ought to have some responsible head of that Bureau.

If we want to put it in an Assistant Secretary, let us mass it all under an Assistant Secretary and make him responsible; but we have got an arrangement here now whereby nobody is responsible; one man is overruling another, and the service is not good. We are adding very largely to the powers of the Commissioner-General, and I think wisely. I think it is in the interest of good administration, but it is not in the interest of good administration to have two subordinates clashing over these rules and regulations. One subordinate should be in charge of that department and responsible to the Secretary of the Treasury, not responsible to an Assistant Secretary.

Mr. ALLISON. The Senator and myself do not disagree about this matter. What I want to do is to hold the Secretary of the Treasury responsible for the administration of these laws.

Mr. LODGE. Surely the Senator does not think that my amendment changes it in that respect?

Mr. ALLISON. I think it does, because the responsibility is with the Commissioner-General of Immigration with the mere approval of the Secretary of the Treasury.

Mr. LODGE. The Treasury rules can not be adopted without the approval of the Secretary of the Treasury. The Senator knows very well that the words "under such rules and regulations as he shall prescribe" mean that the Secretary will depute the work to somebody else to draft those rules and regulations. He does not draw the rules and regulations which are made for the enforcement of the customs laws.

Mr. ALLISON. He can certainly impose that duty on the Commissioner-General.

Mr. LODGE. I want to make it clear in the law that we are going to impose it on him. If we are going to have a Commissioner-General of Immigration, let him do the work for which his office was instituted.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Massachusetts [Mr. LODGE] will be stated.

The SECRETARY. It is proposed to amend the committee amendment, on page 65, line 7, before the word "shall," by striking out the word "he" and inserting "the Commissioner-General of Immigration;" and after the word "prescribe," in line 8, by inserting "subject to the approval of the Secretary of the Treasury;" so as to make the amendment read:

Under the supervision and control of the Secretary of the Treasury and under such rules and regulations as the Commissioner-General of Immigration shall prescribe subject to the approval of the Secretary of the Treasury, for the proper execution of such laws and the investigation and hearing as to the rights of such Chinese and immigrants to admission into the United States.

Mr. CHANDLER. Mr. President, I do not concur in the suggestion of the Senator from Massachusetts [Mr. LODGE] that the whole provision should be stricken out. I think it desirable that the House requirement should be retained, putting the enforcement of the laws in reference to Chinese immigration under the Commissioner-General of Immigration. As the law now stands the Commissioner-General of Immigration is an officer in the Treasury Department, under the control and supervision of the Secretary of the Treasury, and he has charge, under the Secretary of the Treasury, of the administration of the alien contract-labor laws as well as the general immigration laws.

There has been a dual jurisdiction in the Treasury Department. The Secretary, through an Assistant Secretary, has administered the Chinese-exclusion act, while the Commissioner-General of Immigration has had the ordinary immigration laws, and lately the alien contract labor laws, to administer.

The House provision is necessary. Of course the Commissioner-General of Immigration has to perform his duties "under the supervision and control of the Secretary of the Treasury." That is the first line of the amendment proposed by the committee. Those words are unnecessary, because that is the condition of the

Commissioner-General without those words; but of course there is no objection to them.

Mr. ALLISON. If the Senator will allow me to interrupt him, it was not clear to the committee that that would be true. The phraseology employed transferring these duties to the Commissioner-General of Immigration gives him entire charge of this subject; and therefore, pro tanto, it would repeal the provision of the law to which the Senator has referred.

Mr. CHANDLER. No.

Mr. ALLISON. It might; and therefore we want to make it clear that it shall not.

Mr. CHANDLER. I do not object to those words. I only want to show the Senator from Iowa that there is no need of them. This is the language of the law:

The Commissioner-General of Immigration shall be an officer in the Treasury Department under the control and supervision of the Secretary of the Treasury.

When you increase his duties you do not take him out from under that control and supervision.

Mr. ALLISON. You do not, unless the phraseology takes him out. There was so much doubt about it that we thought it better to insert phraseology that would be potential to keep him in.

Mr. CHANDLER. There is not any doubt about it. But I am not criticising the committee for moving to insert those words in the bill.

I think the amendment proposed by the Senator from Massachusetts should be adopted, because I believe we ought to give the Commissioner-General of Immigration large and full power in all this business, subject to the control and supervision of the Secretary of the Treasury. I would myself be willing to have the amendment of the committee stop after the word "Treasury," in line 7, because I do not see the slightest need of the last part of the provision:

and under such rules and regulations as he shall prescribe for the proper execution of such laws—

That is, the immigration laws—

and the investigation and hearing as to the rights of such Chinese and immigrants to admission into the United States.

It is a mere reiteration of what is in the statute now. If the Senator from Massachusetts were willing, I should prefer to leave that all out, and leave the clause exactly as it stood, the doubt being solved which has been stated by the Senator from Iowa; but if we are to reenact this provision about rules and regulations and put in special provisions as to "investigation and hearing as to the rights of such Chinese and immigrants to admission into the United States," which investigation and hearing are already provided for by existing law and already take place under the existing custom, I think the Commissioner-General of Immigration, who gives special attention to this subject, should have the privilege, which the Senator from Massachusetts seeks to secure for him, of writing out the rules and regulations and having them adopted, provided they meet with the approval of the Secretary of the Treasury, and not be in the condition of having an Assistant Secretary make the rules and regulations and getting them signed by the Secretary of the Treasury, and thus be at a disadvantage in the performance of the function of framing such rules and regulations. Therefore I wish the Senator from Iowa would compromise this little question under debate by leaving out all after the word "Treasury," in line 7; and if not, then I hope the amendment proposed by the Senator from Massachusetts may be adopted.

Mr. BERRY. Mr. President, I hope the amendment offered by the Senator from Massachusetts will not be adopted. There are a number of members of the Committee on Appropriations who are opposed to enlarging the powers of the Commissioner-General of Immigration in any way whatever, and who especially thought that it ought not to have been done in a bill from the House of Representatives making appropriations for the expenses of the Government; but after a thorough consideration of the question and after consultation it was agreed to insert in the bill the amendment proposed by the committee, which still left the Secretary of the Treasury responsible for this work of making the rules and regulations.

I think the committee amendment leaves the matter precisely as it should be. If we are going to enlarge the power of the Commissioner-General at all, he ought to be under the supervision and control of the Secretary of the Treasury, who should be held responsible to the Government for carrying out the duties prescribed in the law.

Mr. PENROSE. Mr. President, as the Senator from Iowa [Mr. ALLISON] has stated, this matter, which is new legislation, has not been referred to the Committee on Immigration; but the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr. CHANDLER] are both members of that committee.

I desire to state as chairman of the committee that my attention has been called to this provision, and that, in my opinion, this whole system of supervision and control will be ineffective, null, and void unless the amendment of the Senator from Massachusetts shall be adopted.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to the amendment reported by the Committee on Appropriations.

Mr. CLAY. I ask that that amendment may be read.

The PRESIDING OFFICER. The amendment to the amendment will be again stated.

The Secretary again read the amendment of Mr. LODGE to the amendment of the Committee on Appropriations.

Mr. ALLEN. Mr. President, I do not think it makes so much difference whether the Assistant Secretary of the Treasury or the Commissioner-General of Immigration shall prescribe the rules by which the Chinese-exclusion act shall be enforced. I think the vital question here is whether we are to nullify by this provision the Chinese-exclusion act entirely and indirectly repeal it, for that is the legal effect in my judgment of the adoption of this amendment of the committee. In another place a bill is pending, and is being pressed very strongly, for the repeal entirely of the Chinese-exclusion act.

At the present time a number of important railroad companies are bringing into the United States Japanese contract laborers by the thousands, bringing them into the mountain States, the Pacific coast States. It is quite evident that a spirit is abroad in some circles to entirely nullify the Chinese-exclusion act and all its amendments and provisions and to permit this country to become flooded with a horde of people who are alien in religion, in spirit, and in purpose to our population.

I submit that this is rather a novel thing, at least for a legislative body, by subsequent enactment to authorize some executive officer to prescribe rules and regulations for the enforcement of a statute. I doubt if in the history of legislation in modern times an instance can be found where an officer is given power to prescribe his own rules and regulations for the enforcement of a statute.

I had always supposed that a statute itself was the full measure of the authority of the officer, and prescribed the rules for its own enforcement; but, Mr. President, it would seem that we are now entering upon new things very rapidly, that we are speedily drifting away from the ancient landmarks, and that now we must not only have a statute prescribe certain things, but we must, then, have a subsequent statute authorizing some officer, whose duty it has been made to enforce the law, to prescribe rules and regulations for its enforcement; which, being interpreted, of course means that he can enforce the law if he desires to do so, or he can nullify it by his rules, if he desires to do that.

Mr. President, look at this provision for a moment. All these matters are apparent as they are investigated:

Enforcement of alien contract-labor laws: For the enforcement of the alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge, from foreign contiguous territory, \$150,000.

This is in the nature of an exception:

Provided, That one special inspector, whose compensation shall be paid from this appropriation, may be detailed for duty in the bureau at Washington, and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia.

Then follows the committee amendment:

Under the supervision and control of the Secretary of the Treasury—

I emphasize now—

and under such rules and regulations as he shall prescribe for the proper execution of such laws and the investigation and hearing as to the rights of such Chinese and immigrants to admission into the United States.

The whole thing is left under the caprice of the Secretary of the Treasury, "under such rules and regulations as he shall prescribe." Suppose he fails to prescribe any rules; suppose he should be of the opinion that the Chinese exclusion act is not a wise public statute, and, therefore, should not be enforced in its full spirit; and, thus believing, he should refuse to prescribe any rules for its execution or should prescribe rules which would be abortive for that purpose, there is no power in this bill or elsewhere to compel him to perform his duty and execute the Chinese exclusion act in its full spirit and purpose.

Then, Mr. President, we transfer a clear, judicial power by this amendment from the judiciary of the United States, and of the States for that matter, to this administrative officer; we transfer the power of "investigation and hearing as to the rights of such Chinese and immigrants to admission into the United States;" and there is no appeal from what this officer may determine.

If the Secretary of the Treasury—learned always, of course, in financial matters, possibly somewhat weak in his knowledge of jurisprudence—shall see fit, on investigating a given case, to say a given Chinaman is entitled to a residence in this country, that is an end to the controversy. It takes away from the judicial power of the nation its jurisdiction to inquire into the fact and adjudicate the status of one of these persons whose right to a residence in this country may be questioned.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. ALLEN. I do.

Mr. TILLMAN. I am trying to get light on this question, and I should like to know of the Senator whether, in his judgment, the power supposed to be given here, allowing the Secretary of the Treasury to make rules and regulations, involves the repeal of the law or the modification of the law, or do these words contemplate just such official supervision and mode of procedure as would indicate how the law should be executed.

Mr. ALLEN. The power to construe a law is a judicial power. It is not an executive or an administrative power.

Mr. TILLMAN. I am trying to get light from the Senator as to what his contention is—that the words “under such rules and regulations as he shall prescribe for the proper execution of such laws” would give the Secretary the power to repeal those laws?

Mr. ALLEN. Yes; it is a repeal of those laws.

Mr. TILLMAN. I do not so understand it. Still it may be.

Mr. PENROSE. I should like to make a suggestion to the Senator from Nebraska.

Mr. ALLEN. Certainly.

Mr. PENROSE. I have already yielded more than half an hour. I wish to submit some resolutions, of which I have heretofore given notice, and as the debate gives every evidence of being somewhat lengthy, and there are other Senators who desire to be heard, I suggest that the Senator from Nebraska continue his remarks to-morrow when we take up the bill, and that I be permitted to proceed.

Mr. ALLEN. Certainly. I desire, however, to retain the floor upon this question.

The PRESIDING OFFICER. The Chair so understands the Senator from Nebraska.

EULOGIES ON THE LATE REPRESENTATIVE ERMENTROUT.

Mr. PENROSE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives in reference to the death of my late colleague in that body, Mr. ERMENTROUT.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 3, 1900.

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. DANIEL ERMENTROUT, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That the business of the House be now suspended that opportunity may be given for fitting tribute to his memory.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as an additional mark of respect the House, at the conclusion of these memorial proceedings, do adjourn.

Mr. PENROSE. Mr. President, I offer the resolutions I send to the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania offers resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep and profound sorrow of the death of Hon. DANIEL ERMENTROUT, late a Representative from the State of Pennsylvania.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his eminent public services and high personal character.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the resolutions submitted by the Senator from Pennsylvania.

The resolutions were unanimously agreed to.

Mr. PENROSE. Mr. President, DANIEL ERMENTROUT was born in the city of Reading, in the county of Berks, in the State of Pennsylvania, January 24, 1837. He was descended from a long line of sturdy, industrious, and substantial Pennsylvania German ancestors. His great-great-grandfather, John Ermentrout, in 1739 came from the Palatinate and settled in Berks County. His great-grandfather, Christopher Ermentrout, his grandfather, John E. Ermentrout, and his father, William E. Ermentrout, were all natives and lifelong residents, as was DANIEL ERMENTROUT, of Berks County.

DANIEL ERMENTROUT was educated in the public and classical schools of his native city of Reading, at Franklin and Marshall College, Lancaster, and at Elmwood Institute, Norristown, Pa. He studied law and was admitted to practice in the courts of Berks County in August, 1859. He was elected district attorney of Berks County for three years in 1862. He was solicitor for the city of Reading from 1867 to 1870. He was elected to the State Senate of Pennsylvania in 1873 for a term of three years, and re-elected in 1876 for four years. He was a member of the board of school control of Reading for many years, and was appointed in October, 1877, by Governor Hartranft, a member of the Pennsylvania statutory commission. He was several times chairman of the Democratic county committee of Berks County and was elected delegate to various State and national conventions. In 1880 he was elected as a member to represent Berks County, then constituting the Eighth Congressional district of Pennsylvania, in the Forty-seventh Congress, and was successively reelected to the Forty-eighth, Forty-ninth, and Fiftieth Congresses, his services ending March 4, 1889. He was again elected in 1896 as a Democrat to represent Berks and Lehigh counties, constituting the Ninth Congressional district of Pennsylvania, in the Fifty-fifth Congress and was reelected to the present Congress.

By inheritance and conviction DANIEL ERMENTROUT was preeminently a Democrat and a typical representative of the Berks-Lehigh Congressional district, which is a stronghold of Democracy in the State of Pennsylvania. This district embraces some of the most beautiful, fertile, and resourceful parts of the State, and the inhabitants of the district are counted among our most intelligent, vigorous, and progressive citizens. Their history illustrates their courage and their devotion to civil and religious liberty. The first settlements within the present limits of Berks County were made as early as 1704 by some English members of the Society of Friends, French Huguenots, and German immigrants from the Palatinate.

The Huguenots who settled in Berks County first endeavored to find a home in New York, having been obliged to flee from Frankenthal in the Palatinate, but were subsequently compelled to move to Pennsylvania on account of difficulties involving the title to their lands. The experiences of these early settlers were well calculated to develop a brave and hardy people. Settlement was begun in Tulpehocken in 1723 by some Germans who had fled from the Palatinate in 1708 and 1709 and taken refuge in England at the invitation of Queen Anne. In 1709, 3,000 of these refugees embarked at London in ten ships for New York. Nearly one-half of them perished on the voyage. The survivors arrived in New York in 1710 and settled at various points on the Hudson. While rejoicing, however, in the prospect of peace and prosperity, they were suddenly notified that the lands which they had improved belonged to the State, and that they must relinquish them to the lawful claimants. Submitting to their adverse fate they removed to Pennsylvania, where they settled among the Indians. The progressive and industrious Germans soon encroached more and more upon the Indians. Wars with the natives continued from 1744 to 1764. The Indians devastated by fire and slaughter many parts of the country; hundreds of houses were laid in ashes; hundreds of persons were scalped and slain; and many, without distinction as to age or sex, were taken captives by the savages and submitted to tortures from which death was a blessed release. These troubles continued until the Indians were finally driven beyond the Allegheny Mountains in 1778.

The county of Lehigh, constituting the other county in the Ninth Congressional district, possesses characteristics in many respects similar to those of Berks County. The greater part of the early settlers were Germans, the present population is chiefly of German descent, and in the history of the county we witness similar struggles of the hardy German pioneers.

The inhabitants of the district, being for the most part immigrants or descendants of immigrants who removed from their native countries to escape civil oppression and religious persecution, have always been imbued with sturdy American patriotic sentiment and have been foremost in all the struggles in the history of our country. The Germans have given character to the district in language and customs. For many years the German tongue was almost exclusively spoken, and it is still used in social intercourse and religious worship by a considerable portion of the population.

The schoolhouse has been reared contemporaneously with the church; secular education has gone hand in hand with religious instruction, and the schoolmaster is regarded second only to the pastor in the importance of his functions. The people are noted for their industry, economy, and frugality; prosperity and thrift are found on every hand; the Moravians, the Dunkards, the Mennonites, the Amish, the Schwenkfelders, and other German sects have contributed to create an intelligent, vigorous, and progressive American citizenship.

The descendants of these heroic German settlers have developed

this fertile section of Pennsylvania until to-day it can fairly bear comparison in industrial and agricultural prosperity with any district of the United States. Much of this development has taken place during the lifetime of DANIEL ERMENROUT. He witnessed the city of Reading, on the banks of the beautiful Schuylkill River, grow from a small town containing a few thousand descendants of Germans from Wirtemberg and the Palatinate into a great manufacturing city, containing nearly 100,000 inhabitants. He saw the city of Allentown, in the neighboring county of his district, upon the Lehigh River, develop from the same small beginning into one of the most beautiful and prosperous cities in Pennsylvania. He saw during his lifetime this magnificent section develop its great agricultural resources and its vast deposits of coal, iron ore, zinc, copper, manganese, and other minerals.

Amid scenery unsurpassed he beheld the expanse of field, meadow, and woodland, dotted with farmhouses and barns, interspersed with thriving towns and villages, enlivened by the hum of machinery, the rolling of trains, and the smoke from the stacks of numerous furnaces, mills, and manufactories. As a descendant of those heroic German settlers who here sought civil and religious liberty, he could well speak with pride, as he was fond of doing, of this splendid culmination of their early struggles, of their industry, and of their progressive intelligence.

In this district, which any man might be proud to represent in the Congress of the United States, DANIEL ERMENROUT was honored in a preeminent degree, and it is a remarkable fact that while he was a member of Congress his brother was elected by the people of the section as a judge of court of common pleas, the two brothers thus holding at the same time the two most important offices in the gift of the people of that section.

DANIEL ERMENROUT possessed a large measure of literary cultivation. He had an intimate knowledge of the English, German, French, and Latin languages; and he of course spoke the Pennsylvania German dialect, which he claimed was often more vigorous and expressive than the English language. He had fine legal attainments, and might have become an eminent and successful lawyer had he not, like many another, been more and more taken away from the practice of the law by his absorption in public affairs. He was vigorous and tireless in his political efforts. An orator he possessed an impressive delivery and commanded attention by the directness and vigor of his thoughts and language. In politics and at the bar he was aggressive and fearless. He had many loyal friends and a wide and intimate acquaintance with the people of his district. He was an affectionate and indulgent husband and father. He had a sentimental appreciation of the beauties of nature, a love of friends, a fondness for good cheer, wit, humor, brilliancy of conversation, and many genial and excellent social qualities. His career was long, useful, and honorable. Such faults as he had will be forgotten; and the memory of "Uncle DAN," as he was familiarly called, will be cherished in cordial and appreciative recollection by the men and women of the district which so often honored him.

Mr. JONES of Arkansas. Mr. President, when I entered the House of Representatives as a member of the Forty-seventh Congress I found Mr. ERMENROUT just entering upon his service as one of the Pennsylvania delegation in that body. Belonging to the same political party, we soon formed an acquaintance, and a friendship sprung up between us which lasted throughout his life, and when his death was announced I felt that again I had suffered that great misfortune, the loss of a friend.

No matter how frequently the grim monster may invade the circle of our friends, each succeeding visit causes us a shock as if no such experience had ever come to us and as if we had never before encountered such a calamity. Frequent repetition accustoms us to most things, but not so with death; his visits are always startling and always surprise us. There is an appalling sense of this terrible change, which we are never prepared for and which never loses force by the frequency of its recurrence.

While Mr. ERMENROUT's health had not been robust for a considerable time past, somehow I had never felt that there was any immediate danger of his passing from us forever, and when the fact was announced it seemed impossible that it could be true.

We are never called to stand by the open grave of a departed friend but it brings back with vigor and force the great question of the Patriarch, to which it is said that the ages have brought no answer: "If a man die, shall he live again?" It is true that the development of science, the progress of learning, the experience of mankind have brought no answer to that great question.

But it is well for humanity that by faith and inspiration a triumphant answer came from the same lips which propounded the question, which answer has needed no additional strength from science, history, or experience to convince those who believe in the truths of revelation, when he said:

Oh, that my words were now written! oh that they were printed in a book! That they were graven with an iron pen and lead in the rock forever! For I know that my redeemer liveth, and that he shall stand at the latter day upon the earth:

And though after my skin worms destroy this body, yet in my flesh shall I see God:

Whom I shall see for myself, and mine eyes shall behold, and not another.

Nowhere in the bounds of human knowledge is there a more sublime truth, a grander hope, or higher inspiration than this triumphant declaration by the man of God. It has comforted the millions who have approached this great change, and it will shed light and happiness, comfort and consolation in the hearts and minds of millions yet to die. Mr. ERMENROUT lived an honest and upright life, discharged his duty to his country and himself, and was ready to enter upon that higher life for which the present is but a preparation.

There are not many left of those who began public life when he and I did, and if those remaining can leave as clear a record as did he, when their time shall come they, too, will be happy in a fitting end to honorable and useful lives.

Mr. MONEY. Mr. President, I am aware of the fact that it is usual and proper on an occasion like this to have something carefully prepared. This is a time-honored custom and a necessary one in order that in fitting and proper phrase the sentiment of the speaker toward the subject of his speech shall be properly expressed. I am, however, in a state of unpreparedness; but I am not willing that the occasion shall pass without saying some few words in testimony of the high character and the admirable qualities of my friend.

I was a member of the House of Representatives when Mr. ERMENROUT first entered it. I very soon became acquainted with him and recognized those fine qualities which betokened descent from a strain of the very best blood we have in this country. He and his for generations were born and lived in one of the most magnificent and beautiful and fruitful sections of this great Union. He came from a stock that loved liberty, that had fled from one country to another to obtain it, and to-day there is not in all the breadth of this Republic a people so devoted to personal and constitutional liberty as the people of the county where he lived, and their characteristics made them naturally Democrats. He was a stalwart partisan; not of that bitter character that delighted in the faults of his opponents, but one who from a sincere conviction of principle pushed his views with all the energy of which he was capable.

He was a successful lawyer and was frequently honored by the people in the line of his profession. He was a member of the State legislature, and a member of Congress for six terms, and was elected to the seventh. He did not cultivate the graces of oratory, but had an impressive and effective manner of speech that carried conviction to the minds of his hearers. He was devoted to principle. He never espoused a bad cause knowingly. To a good cause he gave all the energy and zeal of his nature.

DANIEL ERMENROUT had amiable and sympathetic qualities; a little less of the phlegm of his people; a little more sprightliness than is common among them, but yet with all their sturdy qualities. He came from that section of the Old World that threw its conquering tribes across the Rhine and sent through France into the Roman Empire new vigor which maintained its dominance for hundreds of years. From his country came those conquering and colonizing armies who to-day occupy Great Britain, and who laid the foundation of the Anglo-Saxon race to which we belong. From that part of Europe came a devotion to liberty, a love of personal equality, and a respect for women which has never been known elsewhere.

All these virtues belonging to these people ERMENROUT had inherited to a very high degree. He was always true in his friendships, faithful and loyal in his party relations, a good citizen, patriotic, devoted to his country, and in every relation of life was noted for his exemplary character.

To those akin to him he has left the memory of a useful and honorable life; to his friends the memory of a kind-hearted, sympathetic, and amiable companion; and to his country the example of a public-spirited, patriotic, and devoted citizen.

As life runs on, the faces change,
And near the end
The milestones into headstones turn;
'Neath every one a friend.

Mr. PENROSE. Mr. President, as a further mark of respect, I offer the resolution I send to the desk.

The PRESIDING OFFICER. The resolution of the Senator from Pennsylvania will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The PRESIDING OFFICER. The question is on agreeing to the resolution proposed by the Senator from Pennsylvania.

The resolution was unanimously agreed to; and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 26, 1900, at 11 o'clock a. m.